Legislative Assembly

Thursday, 7 March 1985

THE SPEAKER (Mr Harman) took the Chair at 10.45 a.m., and read prayers.

ATTORNEY GENERAL: O'CONNOR CASE

Censure: Standing Orders Suspension

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [10.46 a.m.]: I move, without notice—

> That so much of the Standing Orders be suspended as is necessary to enable the following Motion to be moved:
>
> > That this House censures the Attorney General for misleading the Parliament by failing to disclose that he acted against the advice of the Chief Crown Prosecutor when he ordered that the Crown take no further action in the case against Mr J. J. O'Connor, Secretary of the Transport Workers Union.

In asking for the Government and members to support this motion, let me recount the events of the past week which have led us to make this request. As you will recall, Mr Speaker, last Thursday the Attorney General made an unprecedented announcement that he had acted as outlined in the motion.

At the first available opportunity the Opposition moved a motion of censure on the Attorney General. We did not use the Government's time last Thursday, we chose to use question time, which traditionally is a time which the Opposition has for its use of Parliament. We were not frustrating the time of the House, we were using the Opposition's time which would have been used for other purposes.

That was ruled out of order at that time by you, Mr Speaker. At that time the Government made a claim that if it had been given reasonable notice it would have considered debating the issue.

We then came to Tuesday. On Tuesday I met the Leader of the House at 8.30 a.m. to discuss the business for the week; that was the first opportunity we had to discuss the plans for the week. I gave the Minister notice at that time that the Opposition would be moving that day to suspend Standing Orders to move a motion of censure on the Attorney General.

In line with the commitment that he and his leader gave, we gave notice of the motion. That commitment was that if we gave some notice of our intention to move such a motion, the Government would consider our proposal.

Subsequently, the Leader of the House got up to move a motion in support of his own Attorney General. The matter had not been debated in this House once, yet the Leader of the House, having had notice of what the Opposition intended to do, had the temerity to move that motion.

Wednesday, traditionally private members' day, as members are well aware, came along, and our motion, which had been foreshadowed by the Leader of the Opposition, stood on the Notice Paper. Again, this was in our time, not the Government's time, bearing in mind that on Tuesday the Government chose to use its time to move its motion to debate the matter in this House. It was not our motion, it was the Government's motion, so we were not frustrating the House and trying to delay the Government going about its business in its normal time. The Opposition motion stood on the notice paper in the name of the Leader of the Opposition.

As you are well aware, Mr Speaker, that motion was ruled out of order. Following that debate we sought the opportunity to replace the motion. That was not in the Government's time—we were not trying to frustrate the business of the House—but in the Opposition's own time, on private members' day.

The Government refused that opportunity to the Opposition. That was despite the fact that the Premier blatantly misused question time yesterday to mount a most unfair and unprincipled attack on the member for Nedlands.

We now come to today, one week after this issue arose. The Attorney General yesterday admitted to the Legislative Council that he only told the Parliament a half-truth. At that time when he made his statement to the Parliament he did not issue all of the facts. He did not indicate that the only advice he received—

Point of Order

Mr TONKIN: The Deputy Leader of the Opposition is not speaking to the motion, but is canvassing the substantive matter he hopes to put before the Chair later on.

Mr Clarko: You are running for cover.

Mr TONKIN: Do you understand Standing Orders, boofhead?

The SPEAKER: Order! I do not need the assistance of the member for Karrinyup. I hope that the Deputy Leader of the Opposition sees fit to confine his remarks to the content of the motion.

Debate (on motion) Resumed

Mr MacKINNON: I did not intend to canvass that issue, because hopefully we shall have plenty of time to do so later. The point I was making was that we want to canvass the issue that the Attorney did not reveal all the facts at the time. We want that to be made quite clear to the Parliament and the people of Western Australia. We want to put our views on the record. We want the opportunity to present the Opposition's motion to the Parliament and to debate that evidence. We have been denied that opportunity for a week and that is why we are seeking the suspension of Standing Orders.

If the Opposition is denied this opportunity, obviously it raises serious doubts about several issues in respect of the Government. Firstly, it relates to the integrity of the Government. After all, it was the Leader of the House and the Premier who said last week, when we sought to raise this issue for the first time, "Give us some notice and we will give consideration to the matter". We have now given notice three times and not once have we been allowed to proceed with our motion to register our protest.

What has the Government to hide? If the Government refuses us this opportunity again, serious doubts must arise as to its integrity. What advice did the Attorney receive that he wishes to hide? What involvement did the Premier have in this issue? What deal was made with the TWU which the Government wishes to cover up?

The doubt arises also as to whether this Government has any respect for the institution of Parliament. I seriously doubt that it has. It seems to me that it pays scant respect to the traditions of this House. The Government deals with this Parliament as if it were one of its tools, rather than a tool of the people of this State. The Government is bringing disrespect to the Parliament as an institution.

Finally, why is the Government running scared on this issue? Why is it afraid to debate the issue? Why is it afraid to allow us to put forward our motions to the people?

This motion is not frivolous. The issue is of vital importance and we want the opportunity to put forward our points of view.

Mr Court interjected.

Mr Tonkin: When did your father allow the suspension of Standing Orders?

Mr MacKINNON: Sir Charles Court has nothing to do with the Government's action in respect of this issue or with the Attorney's or Premier's involvement in it, as much as the Leader of the House might like to think he has.

This is the first opportunity we have had to raise the matter of the half truths as presented by the Attorney. Just prior to Parliament resuming this morning, bearing in mind that the Leader of the House has had notice of what we intend to do today—as have you, Sir—he said to me, "We are prepared to deal with this motion between 3.15 p.m. and 5.15 p.m. today".

Mr Tonkin: That is perfectly reasonable.

Mr MacKINNON: It is not reasonable, because if the Opposition wanted to have a restricted debate on the issue, it would have used the vehicle of the urgency motion. We considered that, but it was not appropriate. We do not want our time to be limited; we have been gagged enough as it is. We want to put our facts on the record without hindrance, time limits, or delay.

If the Government refuses this motion, its stance on the issue is clear; that is, it is hiding behind the Standing Orders of the Parliament; hiding behind the smokescreen that the Premier has attempted to put in front of the issue.

The issue will not go away and as long as the Government refuses to debate the motions we put forward here, the issue will grow. For its own good, the Government should realise that. For a change it should listen to our advice and debate the issue, and perhaps, if the Government comes clean, the matter may go away. It certainly will not go away while the Government continues to run for cover.

MR CLARKO (Karrinyup) [10.57 a.m.]: I second the motion. In speaking to it, I shall confine myself to the motion before us which seeks to suspend Standing Orders, because the cacophony opposite, the animal farm, the pigs in the back and front rows, sit there as they used to sit on this side and squeal—

The SPEAKER: Order! I hope the member for Karrinyup will rephrase that reference to members of Parliament.

Mr CLARKO: You, Sir, will understand the reactions of some people when one talks about animals. Someone at Rottnest was accused of behaving like an animal and people wrote letters saying, "Animals are decent". So are pigs when pigs are referred to in a decent way. I was referring to George Orwell's book. As I have done on other occasions, I have drawn attention to the procedures of the House and the fact that members opposite try to shout one down, as they tried to shout down the Deputy Leader of the Opposition.

This is a major public issue. Standing Orders should be suspended so that we can talk about it. This issue appears in columns one and two on the

front page of *The West Australian* today. It appears also on the second page. Reference was made to it on the front page of yesterday's edition of that paper, it was on the front page on Friday, and it was probably on the front page of some of the weekend newspapers also. World War III, when it occurs, will receive the same prominence.

This is a major public issue and the Parliament is about debating major public issues. This matter is of tremendous importance to the people of Western Australia.

As the Deputy Leader of the Opposition has said, today we seek to debate new information which was produced yesterday. It is important and relevant information and, therefore, Standing Orders should be suspended.

In the 11 years I have been a member of this Parliament, Standing Orders have been suspended on many occasions on matters of much less importance than this.

However, even more compelling than the fact that this is a matter of great public importance and that the proposed motion results from new information produced yesterday by the Attorney General in the Legislative Council, is the fact that we are talking about the fundamental question about whether the rule of law should prevail over the rule of Governments. That is what we are talking about. Those scholars in this House who have studied the classic revolution in modern history, the French revolution, will realise that it fell into the tawdry situation where prosecutors prosecuted anyone simply based on the fact that he had royal blood in his veins or, indeed, for any other reason.

The tumbrels went along every day and people had their heads chopped off every day, because a group of people, who by revolution had taken over the control of France, had placed the question of justice and law at the bottom of the pile.

We live in a country that models itself on the British system where justice rules supreme above everything else. This is what we are talking about and this is why we want to bring it to the attention of the people of WA.

The newspapers believe this matter is of great importance. They continue to put it in a prime position in their papers, even though certain hypocrites of the Government are starting to bellyache that the morning papers have not given them a fair go.

This is about law and order. The people of WA believe this and believe that it is shocking and disgraceful that this has taken place.

The SPEAKER: Order! The member cannot debate the issue.

Mr CLARKO: I am not debating the issue. I am saying why we should suspend Standing Orders. The reason is that people are disgusted with what is happening. That is the reason we should debate this matter. Remember, 14 000 people against 2 000 people responded to a media phone-in and indicated that the action of the Attorney General in the O'Connor case was wrong. That is the reason we should be debating it, the reason we should debate it today.

We have new information, as outlined in our motion, and that is the reason we want to proceed today to censure the Attorney General, who has chosen not to take the advice of the Chief Crown Prosecutor.

I will not go into the detail of that; that will come later if the Government has the guts to debate this thing today. Perhaps it will capitulate, as it did yesterday when we saw a poor performance by a more-than-adequate Premier who has reigned supreme for the last couple of years—and most of us would acknowledge his skills. But he was at his weakest yesterday. It began at the meeting of the House on Tuesday when, by a slip of the tongue, he called himself and his group the Opposition. It was a classical Freudian slip. That was the beginning of the Government's collapse, when his own subconscious put him over here.

With this motion we are asking the Government to use its numbers—not the mathematical brutality of its numbers—to allow this motion to come on—if it has the courage to let it come forward. It is an important matter.

The Attorney General said yesterday that he had not taken the advice of the Chief Crown Prosecutor. We regard that as a matter of great moment. It is part of the whole picture built up over the last few days and part of the whole reason we take the position that we do.

Mr Speaker, as you know, we are concerned about this matter because of a fundamental point, which is that justice in Western Australia has been put to nought. The police decided there was a case.

The SPEAKER: Order! I have asked the member several times to confine his remarks to the motion moved by the Deputy Leader of the Opposition. It is not possible for him to canvass all these other issues that relate to the motion that might be moved later.

Mr CLARKO: I understand that, but you have been here a long time, Mr Speaker, and you know that it is impossible to raise a motion for the suspension of Standing Orders unless members

give reasons that Standing Orders should be suspended. We must give reasons. As a Deputy Speaker, I sat in that Chair for five years and I know that is very difficult for you, as it was very difficult for me at times. But you must allow me—and I know you will allow me—the opportunity to give the reasons that the Standing Orders should be suspended to enable us to discuss a particular matter. I have raised some of the reasons Standing Orders should be suspended and I know you would not allow me to go into detail, and I will not.

The reason it is important is that a whole battery of people involved in the judicial process have made recommendations for a case to proceed. The police decided, Crown Law decided and the magistrate decided that a prima facie case existed. And now it seems the Chief Prosecutor agreed. That adds to the weight of why we should proceed now, when a whole series of judicial officers have made a decision to prosecute.

However, the Government says that it is not involved and that only the Attorney General is involved. Our motion is about the Attorney General and about the rule of law, and we want to discuss it now. The people regard it as important. The Press regards it as being the most important issue happening in Western Australia and has done ever since it occurred; that is the reason it is on the front page all the time. That is also the reason this House should discuss this most serious matter.

What is the point of Parliament if it cannot discuss matters of the greatest importance applying at the time? It is not just that it is a very popular and important matter in the sense that the people of WA feel they have been cheated of justice. It is also to do with the judicial process, because that goes to the heart of any civilised community—certainly to the heart of those who wish to follow the British system of justice.

The SPEAKER: Order! I have asked the member on several occasions now not to debate the issue yet he has just deliberately ignored my direction. His last two sentences actually dealt with the issues of what people might think about the motion. I will not warn the member again.

The other point is that while it is difficult to rule on this subject—and the member mentioned this on several occasions—I can assure him I have the message, as I am sure other members have it.

Mr CLARKO: It is important that in a very few short minutes I raise the relevant points, and only the relevant points. I can raise other things if you like, Mr Speaker, about the issues behind our moving for the suspension of Standing Orders, but I will not.

Mr Speaker, I say again to you that you know that this is one of the most difficult things for a Speaker to adjudicate on, when a person is giving reasons that he wants Standing Orders suspended, because you realise there is an argument that says he should not debate the matter in detail. I have not been debating any of it in detail. I have been bringing to the attention of the Parliament the view that this is a vital matter where Government members, if they have the courage and the desire to give the people of this State their rights, should accept this opportunity to have this matter debated in full now. If they want the rule of law to apply in this State, if they want the Parliament to be a Parliament where members can stand and give their views and debate matters of great moment, they should allow the suspension of Standing Orders.

MR TONKIN (Morley-Swan—Leader of the House) [11.08 a.m.]: When the Deputy Leader of the Opposition had delivered to me, just as I was leaving my office this morning, a letter indicating that the Opposition wanted to move for the suspension of Standing Orders I did consider the matter and felt that as the Government had business to proceed with and as Tuesday was largely taken up with a debate of this kind—

Mr MacKinnon: On your motion.

Mr TONKIN: Yes, but every motion has a positive and a negative side and I would be surprised if Opposition members were not able to put their points of view during debate of our motion.

Mr MacKinnon: This information was not available on Tuesday, and you know it.

Mr TONKIN: But the fact is that we had a lengthy debate on Tuesday. The Opposition now claims there is new information. I therefore made an offer to the Deputy Leader of the Opposition that as the Government had business to get on with, it was prepared to agree to the suspension of Standing Orders at 3.15 p.m. today. I would have thought that was a very fair offer. It would mean that in two days of Government business we will have had a debate on this subject.

I made comment by way of interjection earlier referring to the former member for Nedlands, Premier Sir Charles Court. In the eight years he was Premier I do not remember his ever once permitting the Opposition to suspend Standing Orders. It did not matter what he said or what he got up to with his companies and so on, we were not permitted to suspend Standing Orders.

Mr Court: What are you doing now? You are doing exactly what your Premier did last night. You repeat that outside.

Mr TONKIN: I am saying—

Several members interjected.

Mr Court: You are in the gutter as low as you can go.

The SPEAKER: Order!

Mr TONKIN: —that the conservative Government, of which people opposite were members, never allowed the Opposition to debate matters which it considered to be of importance, because its members, in their arrogance, said it was not important. We have allowed the suspension of Standing Orders several times. We have accepted amendments from the Opposition several times in the two years we have been in Government. This Government has permitted the Opposition privileges that no previous Government ever permitted.

Mr MacKinnon: It is probably the best argument you have given us, and you are running away.

Several members interjected.

Mr TONKIN: We are not running away. We are saying that the Government does have some responsibility—

Several members interjected.

Mr TONKIN: —and some rights in respect of this Chamber. We have made a more than generous offer to the Opposition that we will agree to the suspension of Standing Orders at 3.15 p.m.

Twice in two days Government business has been suspended. When did the present Opposition, when in Government, ever extend that courtesy to the then Opposition? Never once in nine years did it extend that courtesy, and we have extended that courtesy twice in two days.

Several members interjected.

Mr MacKinnon: It is absolutely untruthful, and you know it.

Mr TONKIN: What is?

Mr MacKinnon: The fact that we never extended that opportunity to the Opposition while we were in Government.

Mr TONKIN: To my recollection it never happened once in nine years.

Mr Blaikie: Never once in nine years, and we have never made unions above the law either.

Mr TONKIN: That shows the arrogance—

Several members interjected.

The SPEAKER: Order!

Mr TONKIN: —of the Opposition. In other words, when they were in Government they were prepared to adjudicate and say matters were not important.

Several members interjected.

Mr TONKIN: In spite of the fact that the matter was an attack upon the Government, we were prepared to debate this motion on Tuesday. We are prepared to debate that again today. Once again, we are prepared to allow Standing Orders to be suspended at 3.15 p.m. That is most generous—twice in two days.

Several members interjected.

Mr TONKIN: In the nine years of office of the previous Government that opportunity was never extended to us. I put it to the House that the Government's offer still stands. However, we must get on with the business of the House and the business of government. There are important issues besides this one which must be dealt with.

I would have thought that the superb and unprecedented generosity of this Government in agreeing to debate this issue twice in two days would have been accepted by the Opposition, but the Opposition regards concessions such as this as some kind of weakness.

Several members interjected.

The SPEAKER: Order!

Mr TONKIN: Opposition members do not have the understanding to realise that concessions are given only from a position of strength. When they were in Government they were never secure enough to agree to the suspension of Standing Orders.

Several members interjected.

The SPEAKER: Order! Would the Deputy Leader of the Opposition cease interjecting.

Mr TONKIN: The previous Premier, Sir Charles Court, would never agree to the suspension of Standing Orders. That indicates how insecure he was and indicates that we are secure enough in our position and are confident of the rightness of our case to say, "Yes, bring on the debate at 3.15 p.m.".

The SPEAKER: Order! I want to make one observation, perhaps for the benefit of the Deputy Leader of the Opposition, and for others, who may have some misunderstanding about question time. I gather from the comments of the Deputy Leader of the Opposition that he feels that question time is the province of the Opposition. That is not the case at all; it is for all members of Parliament.

Questions without notice time is a privilege that I extend to this Parliament. It is not something of right.

Before I put the motion, I must remind members that to be successful it requires an absolute majority. If I hear a dissentient voice I will have to divide the House.

Question put.

The SPEAKER: As there is a dissentient voice, I will divide the House.

Bells rung and the House divided.

Point of Order

Mr LAURANCE: I wanted to take a point of order, Sir, but you had called a division. I understood I had to do that immediately you sat down, even though you had called a division. I wanted to ask what was the ruling whereby there is no right of the Parliament to have questions without notice. I have been to many Parliaments around the world—

The SPEAKER: There is no point of order.

Result of Division

Division resulted as follows—

Ayes 21

Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Old
Mr Cash	Mr Rushton
Mr Clarko	Mr Spriggs
Mr Court	Mr Stephens
Mr Cowan	Mr Thompson
Mr Coyne	Mr Trethowan
Mr Grayden	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	*(Teller)*

Noes 28

Mr Barnett	Mr Hodge
Mr Bateman	Mr Hughes
Mr Bertram	Mr Jamieson
Mr Bridge	Mr Tom Jones
Mr Bryce	Mr McIver
Mrs Buchanan	Mr Parker
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr Tonkin
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
	(Teller)

Pairs

Ayes	Noes
Mr Hassell	Mr Taylor
Mr McNee	Mr Pearce
Mr Crane	Mr Beggs

The SPEAKER: Order! The motion did not attract an absolute majority of the House.

Question thus negatived.

HEALTH: ALCOHOL

Alcohol and Drug Authority: Petition

MR TERRY BURKE (Perth) [11.20 a.m.]: I present a petition on behalf of 235 residents and business proprietors of Mt. Lawley objecting to the Alcohol and Drug Authority being established in Field Street, Mt. Lawley. It reads as follows—

TO:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents and business proprietors alike, object to the Alcohol and Drug Authority being permanently established in Field Street in residential Mt. Lawley. We request you to cancel these plans and provide a permanent solution for the A.D.A. in a suitable building adjacent to the Royal Perth Hospital.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I certify that the petition conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 82.)

ALUMINIUM SMELTER: INFORMATION

Publication: Ministerial Statement

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.22 a.m.]: I seek leave to make a statement.

Leave granted.

Mr PARKER: The purpose of my remarks today is to invite the public of Western Australia to take part in one of the most momentous economic decisions of the decade—the establishment of an aluminium smelter in the south-west.

Many Governments pay lip-service to the idea of a public say in how our State should be developed, and some of them know to their electoral cost that development without concern for community views can lead to damaging consequences, not only electorally, but also to the whole fabric of future economic development. We are determined—and we have said so many times—that the aluminium smelter in the south-west will go ahead only if it can be demonstrated to be economically viable and to satisfy the most stringent environmental standards.

A step on the way occurs today with the release for public comment of the environmental review and management programme on the project. This is an essential step in securing the best possible range of views on the smelter proposal.

I say to members that we do not intend being diverted from our promise of allowing public access to the widest amount of information possible. Unlike the previous Administration which took a hardline stance against the release of information, we have said that all information that can be released will be released publicly, consistent with normal commercial confidentiality. We do not intend, as our predecessors did, to use commercial confidentiality as a convenient smokescreen to avoid giving information.

We have said consistently since announcing the feasibility study last August that more information will be available about this project than has been released concerning the Portland smelter in Victoria. I hope members opposite will remember that when they accuse the Government of hiding information from the public.

I point out to the Chamber that this is the fourteenth formal public statement concerning the smelter project since the announcement of the feasibility study, which scarcely suggests a concerted attempt at keeping the public in the dark. There is no doubt that the original development timetable has been extended owing to the complexities of issues requiring resolution and, accordingly, I make no apology for that.

We have been determined to secure the best possible arrangements for the State and not rush into arrangements which are against the interests of all Western Australians. It became clear some time ago that the Kukje Corporation, nominated by the previous Government as the organisation with the front running for the smelter, had interests and problems which did not sit well with the views of the Western Australian Government and the needs of the people of our State.

It was the awareness of these divergent interests and those problems which led the Premier and I to visit Korea last December in a bid to bring the consortium to grips with the needs of all Western Australians. It concerns me that the doubts we entertained about the Kukje group—doubts which for obvious reasons could not then be voiced publicly—have been followed by the group's running into financial difficulties and being dismembered at the order of the Korean Government.

But we are encouraged, as we have always been, by the continued assurances of the Korean Government that Western Australia's proposed smelter has a key role to play as the major supplier to the Korean market and of its support for the project.

The Premier and I were particularly pleased to be told during our visit to Korea that the Office of Supply of the Korean Government had indicated its willingness to take up to 30 000 tonnes of aluminium from the smelter. We look forward to that sort of encouragement continuing under the new arrangements at this moment being worked out in Seoul covering the Korean aspects of the proposal.

We announced last month that the WA Government was considering taking a 20 per cent equity stake in the smelter consortium as an umbrella for eventual greater Australian private enterprise investment.

It will come as no surprise to you, Mr Speaker, as it will not be a revelation to those members who have followed the Government's interest in this project, that a number of Australian organisations are interested in joining the smelter consortium.

Until the Korean situation has been worked out the Government intends to proceed with arrangements to take a 20 per cent stake so that the other partners in the project may proceed to talks with financial institutions. In any case, we would not envisage any major delay if the Korean Government continues to show the strong support for the project that it has in the past.

Mr Speaker, you will recall that the Government released a progress report on the smelter in early December. Perhaps I might be allowed to update that information.

State agreement: A revised draft agreement following extensive negotiations is being considered by the consortium and further negotiations are continuing. The proposed agreement prepared by the Department of Resources Development will cover essential issues affecting the conduct of the development.

Feasibility study: This has been completed. Analysis gives us an assurance that the project is among the lowest third in costs for smelters around the world.

Environmental assessment: The environmental review and management programme has been prepared and is available from today for public comment for a period of eight weeks. Simultaneously, a public environmental report describing the environmental aspects of the transmission line to the Parkfield site is being issued for public comment.

Rezoning: The Shire of Harvey has co-operated with the Government by agreeing to initiate the process required under the Town Planning and Development Act to amend the town planning scheme. A period for public submissions of that

proposed amendment is occurring simultaneously with the ERMP.

Conceptual land management plan: A unique conceptual land management plan has now been prepared and will be available for public comment from today. The concept will allow a managed environment that will be able to accommodate the smelter development without significant changes to planned land uses.

Services corridor study: A study is planned to investigate and select a rail link alignment so as to minimise severence of properties and disruption to irrigation and drainage in the area. The study also will consider the options for a safe crossing of the South West Highway and other services likely to be included in the corridor.

Mr Speaker, members will no doubt appreciate that these efforts further amplify my comments that consultation with the public will be maximised and the simultaneous publication of these documents will aid people in their understanding of the proposal for a smelter.

Power contract: Negotiations have reached the stage where most issues have been resolved, apart from those which relate to the precise formulation on the long-term coal contract with SECWA determining the latter stages of the smelter tariff.

Coal supply: The Collie basin coal suppliers have submitted proposals for long-term contracts. These have been assessed and the companies told of the Government's requirements concerning price, escalation clauses and take-or-pay provisions covering the life of the project. We expect to make an announcement concerning the successful tenderer shortly.

FIRB approval: The degree of Australian participation and the efforts to maximise this participation will be reviewed by the Foreign Investment Review Board. A submission will be made when Korean equity is settled. We believe the efforts being made by both the consortium and the Government will satisfy the FIRB and ultimately the Commonwealth Government.

Members will recall that in December last year the Government announced a unique concept in land use management that is being developed for an area of approximately 3 600ha at Parkfield, north of Bunbury. Agreement has been reached with the consortium that land within this area will be set aside for the proposed aluminium smelter. We have told the consortium that we will sell it freehold title to up to 400ha and develop the remaining area progressively for activities which will be compatible with the smelter. This means we will be developing forestry and recreation proposals alongside preservation of the native peppermint and tuart woodland and wetlands.

The release of the ERMP by the Environmental Protection Authority for public comment is an important step in developing our State's resources. If this project proceeds it will go a long way towards achieving the dream of secondary processing of Western Australia's mineral wealth rather than the State riding on the short-term merry-go-round of being solely the raw material supplier to the world's industry.

I thank the House.

MR PETER JONES (Narrogin) [11.30 a.m.]: The Opposition and, I am sure, everybody else, welcome the Minister's statement. It brings some of the activities that have been going on in relation to this development out of the shade and into the sun so that they can be assessed and reviewed. It is of no relevance whatsoever that the Government is to release more information on this project than is available for Portland. Portland has no relevance to this State or this project and whether this was the fourteenth statement or not is also irrelevant. What is important is the stage that has been reached.

Although I welcome this statement, I hope that the Minister will ensure that statements made by the Premier and him are on the same wavelength. Certainly, one or two statements made by the Premier in an interview with Mr Maumill on left-wing radio are at conflict with what the Minister has said on a couple of occasions.

I accept, as I am sure anybody who has any experience with Government accepts, that there are matters which need to come within the province of the Government and its advisers. That is not questioned by me or by the Opposition. However, the Government needs to pay a little attention to what it says before it says it because undertakings have been given.

I give one example of that. It has been suggested that it is not prudent to reveal the names of the people carrying out studies for the Government, nor is it prudent to reveal the special nature of those studies. On 1 September last year, a detailed list of the persons who were doing the research and the specific nature of the research was published. I cannot be sure whether it was a full list; I would not have access to that information. However, a detailed list of the people involved in the studies and the nature of those studies was published on 1 September last year. Now, though, it is considered that it is not prudent to reveal that information.

Mr Parker: I think it was assumed that you were seeking an additional list of the people involved.

Mr PETER JONES: The Government cannot have it both ways. Let me clarify my point. I understand exactly what the Minister said. I asked what was the result of a particular study because it was public knowledge it was being undertaken. I was told that it was not prudent to indicate first of all, whether it was being done, and, secondly, who was doing it.

Mr Brian Burke: May I correct something that you said in reference to a radio programme? I have seen the question you asked me.

Mr PETER JONES: I have not asked a question on the matter to which I am referring.

Mr Brian Burke: Somebody asked a question; I have seen it. I do not recall the statement but I think it was taken out of context.

Mr PETER JONES: I have the transcripts.

The Minister also made reference to Kukje-ICC Corporation. I think that was an unfortunate reference. I commend the Government for the expeditious way it went about getting back on the track. However, it is not correct to say that Kukje was appointed by the previous Government. That company approached the previous Government in September 1981 and put a proposition. Since then further matters have developed. However, it became obvious that the key issue in dealing with the Republic of Korea was not so much who the instrument was, but who was behind it.

I take it that is what the Minister referred to in his comments, and I agree with him. The strength of Korea is in the support the Government gets from the President. In speaking with the President in November 1982, we sought and obtained exactly the same guarantees as the present Government has quite properly obtained and needed to obtain. Commitments were made by the Government, the Bank of Korea, and associated companies and others who will be involved in the project. Without that overall Korean Government aluminium umbrella being involved, the project is diminished.

It is correct that talks were being undertaken in the latter part of 1982 with Haiyundi and meetings were held with the chief economic adviser who was killed in the assassination attempt on the Korean President. We were beginning to favour a more incorporated Korean equity rather than just having one company involved.

The Minister also said that a number of Australian companies were involved. The Premier has indicated two of those groups which could well be involved. I understand that, certainly in relation to two of those groups, there is some concern that all of the information has not been made available to them, particularly regarding some of the figures and other matters relevant to reports such as the Hill Samuel Australia Ltd. report, which is not the only one being sought by its prospective participants; but they are also seeking further information. The Government and its instrumentality, the Western Australian Development Corporation, have received the Hill Samuel report. It is all very well to say that others are involved when they have not had access to all details.

The Premier has indicated repeatedly that his advice is that the costs associated with a Western Australian smelter would be in the bottom third of international smelters. The statement today mentioned the bottom third. A few days ago, the Premier mentioned that it would be in the bottom 40 per cent.

Mr Brian Burke: I mean, well, you know!

Mr PETER JONES: I am making the point that the comments made on behalf of the Government indicate that it is in the bottom half of the scale. Even though I do not challenge that statement, I certainly question it. It has also been questioned by one or two prospective participants in light of the fact that nothing has been forthcoming, not only for public consumption, but also for private consumption. Indeed, no detailed assessment has been made available for those who have knowledge and experience in the international aluminium industry to study. We are all asked to accept things at face value.

I also accept what the Minister said about matters that have yet to be finalised. No energy contract has been finalised. However, assumptions have been made regarding a price that might be reached and matters are being dealt with relative to long-term coal contracts yet to be determined.

I have already made reference to the Hill Samuel report which I find in the financial circles is being increasingly questioned as to the basis of some of its alleged assumptions. In other words, whether the energy-costing assumptions contained within the report, on information provided by the State Energy Commission are, in fact, valid only in terms of what the Government has said it will do, and the parameters within which the energy price will be reached. The report is not available to the other participants and while it is not available that conjecture will not only remain, but it may also be challenged.

Mr Parker: The Hill Samuel report was commissioned by the Government for its own reasons. The other point to be made is that the report is for

our negotiating purpose. They agree with the remaining participants as far as the economies of the smelter are concerned.

Mr PETER JONES: That is not the information that was given to me seven days ago, because comment to me challenged some of the alleged assumptions that were made, but they have not seen the report in toto.

In supporting what the Minister has said, I welcome the report and I hope it is utilised by the general public.

The Government has said previously that no decision has been made regarding the use of Kemerton Park for the site although it had annnounced it was the preferred site. In all fairness, the previous Government indicated that if a smelter was to be established the preferred location was the Kemerton site, subject to all the environmental assessments being undertaken and subject to full and detailed discussion with the Harvey Shire Council and the relevant local authorities.

In May 1981, at a seminar which was held in Bunbury, it was made clear as far as the previous Government was concerned that all the procedures would be undertaken if, in fact, the project was negotiated to the point where it was necessary to harden up on a site. Although there were several sites being considered the Kemerton site was certainly the favoured location. For similar reasons the site is favoured by the present Government. However, what has happened in this case is that it has been hardened up and committed before the procedures have been processed to finality.

On 5 December last year the Premier said that the Government would not make a decision in regard to the Kemerton site until all the procedures had been processed to finality. That is not what has occurred, especially in respect of the environmental procedures. The Opposition has asked many questions of the Minister for the Environment concerning the environmental procedures and he has advised that they have not been completed. We have now been told that the matter is under consideration and that the public will have two months in which to make submissions and after that the committee will make a final recommendation to the Government. We are looking at another three to four months; yet a commitment has been made and is included in the Minister's statement which he made to this House today.

I am drawing the attention of members to this situation merely to outline what has occurred. In fact, the Government has said it is maintaining the undertaking and that is blatantly untrue; but still within the same framework I welcome what the Minister has said. It is indeed a very significant project and it offers a great benefit to the State in terms of value-added processing. However, the State wants the project for the right reasons and the Minister has repeated that statement on a number of occasions. In July last year he said that if the Government wanted to buy a smelter it could have already done so. I have no doubt about that because the previous Government would have been in the same position.

If the Government wants a particular plant or project and is prepared to offer the right incentives people will become involved. The Minister has clearly committed the Government in the same way as the previous Government would have done—there will be no buying of a smelter—and that is something with which I agree and welcome.

It is, however, a commitment which places on the Government very serious constraints in respect of the final negotiations. For example, I refer to the energy tariff. If the benefits of the aluminium smelter, the economies of scale which will be achieved in terms of energy development in this State and the benefits from cheap coal, are to be dedicated to one customer alone we need to know about it.

That is what is happening in respect of the negotiations which are now taking place and is contrary to everything that has existed in this State in respect of the provision of electricity for industry, commerce and domestic customers up to this time. All customers, whether they are big users, medium users or small domestic customers have received, as a matter of bipartisan policy the benefits of the total system.

Indeed, that was enshrined by the policies of the previous State Labor Administrations under the Hawke Government and subsequently the Tonkin Government which, in this Parliament, referred to the extension of the grid. This was at the time when more and more country electricity systems were being taken over and the basic principle was that there would be benefits to all customers from the economy of scale as it developed. What is proposed now is a clear break from that situation.

Mr Parker: That is true; there is a break in one sense. It was contemplated by you when you were in Government.

Mr PETER JONES: It was not contemplated by me. I still have a copy of the relevant minute that we would not accept the principle of all the benefits being granted to just one customer. I am referring specifically to the great benefit of cheaper coal and the economies of scale that result when one moves to another cost plateau.

I am not saying that it should not be done, but I am saying that one matter which industry in this State has said needs to be clearly understood by other customers, is that it is not getting the benefits of moving to a larger plateau where electricity generation is concerned and it is no longer getting the benefit of an average price of coal into the SEC grid.

Mr Parker: That is not the case.

Mr PETER JONES: In due course that is one of the matters which will, no doubt, be made public under the energy tariff pricing arrangements before the agreement is reached. There are many side issues which will be discussed in the future.

The statement is welcomed and I congratulate the Minister on the progress of the project.

FORESTS: NELSON LOCATION 2882

Acquisition: Motion

MR DAVIES (Victoria Park—Minister for Forests) [11.50 a.m.]: I move—

> That the proposal for the acquisition of Nelson Location 2882 in exchange for Timber Reserve No. 143/25 laid on the Table of the Legislative Assembly at the request of the Acting Conservator of Forests be carried out.

Under section 23 of the Forests Act, parliamentary consent is necessary, as a prerequisite to the Governor's approval to the acquisition of alienated land for inclusion in State forest by way of exchange of Crown land.

The paper which was tabled on 27 November last is paper No. 339, and that act was carried out by the former Minister for Forests. Paper No. 339 deals with the reasons for the acquisition, and starts off in its page of explanation by saying this—

> Negotiations with the registered proprietors of Nelson Location 2882 resulted in their agreement to an exchange of land whereby they will surrender Nelson Location 2882 for inclusion into State forest, in exchange for the release to them of the land contained within Timber Reserve No. 143/25.

It then details the particulars and the reasons for the acquisition, and also some detail of the amount of money which needs to change hands.

The paper finishes by saying this—

> The proposed exchange is considered to have some distinct advantages from the Crown viewpoint in as much as it would improve the forest estate boundary and facilitate protection, from both fire and disease, of the land comprised in Nelson Location 2882.
>
> The applicants would also benefit by a consolidation of their holdings.

The papers have been tabled since 27 November last. I have spoken to the Opposition spokesman regarding the paper and the proposal, and I am sure no further explanation is required from me. Indeed, I would be wasting the time of the House because I am sure the Opposition has made itself fully *au fait* with what is involved.

Debate adjourned, on motion by Mr Blaikie.

FORESTS

Revocation of Dedication: Motion

MR DAVIES (Victoria Park—Minister for Forests) [11.52 a.m.]: I move—

> That the proposal for the revocation in whole of State forest No. 66 and the partial revocation of State forests Nos. 14, 20, 30, 33, and 65 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the Sixth day of November, 1984 be carried out.

Under section 21 of the Forests Act, a dedication of Crown land as a State forest may be revoked in whole or in part only in the following manner—

> (a) the Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation;
>
> (b) after such proposal has been laid before Parliament the Governor on a resolution being passed by both Houses that such proposal be carried out, shall, by Order in Council, revoke such dedication;
>
> (c) on any such revocation the land shall become Crown land within the meaning of the Land Act.

Again the former Minister for Forests tabled, on 27 November last, a paper which was No. 340 setting out what is proposed in each of the instances. Attached was, first of all, the details of the six areas involved. That is signed by his Excellency, the Governor.

It then details at some reasonable length the reasons for the changes in each of the six areas involved, and also provides maps showing quite clearly from the coloured legend just how the exchange will affect both the Forests Department and the private owners who may be associated with any exchange.

This was also brought to the notice of the Opposition, and I can see no reason why members should not be ready to agree to the exchanges. They are not done without very good reason. As I said, the reasons are set out in the paper which has been tabled. This is a matter of tidying up little

odds and ends which need to be done from time to time for the benefit of the Forests Department and conjointly on some occasions the landowners.

I suppose one could say that the bureaucratic processes have come to an end and the democratic processes are now in operation.

Debate adjourned, on motion by Mr Blaikie.

BILLS (2): INTRODUCTION AND FIRST READING

1. Aboriginal Land Bill.
2. Acts Amendment (Aboriginal Land) Bill.

Bills introduced, on motions by Mr Wilson (Minister with special responsibility for Aboriginal Affairs), and read a first time.

ACTS AMENDMENT (LOTTERIES) BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [12.00 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of the Bill now before the House is to amend several Acts to empower the Lotteries Commission to grant permits to religious and charitable institutions, which includes sporting bodies, to conduct continuing lotteries. These lotteries are more commonly known as "beer" or "bingo tickets" and are conducted by way of break-open tickets which expose details indicating a failure or success in winning a prize.

These types of tickets are presently sold by sporting bodies by hand, and either by hand or vending machine on licensed club premises as part of their fund-raising activities.

This Bill will allow religious, charitable, and sporting bodies holding a permit granted by the Lotteries Commission to sell tickets in continuing lotteries. However, their sale by way of vending machines will be restricted to those classes of licensed premises, being hotels, taverns, limited hotels, winehouses, canteens, and licensed clubs. This does not prohibit the sale of break-open tickets by hand in unlicensed clubs and elsewhere.

Religious bodies, charitable bodies, or clubs will be able to apply for a permit to sell break-open tickets from the Lotteries Commission for a period not exceeding 12 months. A permit holder is required to purchase tickets from a supplier licensed by the Commissioner of State Taxation and, where the tickets are dispensed by vending machines on licensed premises, pay the licensee for the value of prizes and retain the profit.

Where tickets are sold by vending machine on those licensed premises specified in the Bill, prizes may only be given in goods or services normally sold on those premises to the value of the winning ticket. An amendment to the Police Act will ensure that machines for dispensing tickets in continuing lotteries conducted under a permit will not be treated as prohibited slot machines within the meaning of section 89A of that Act.

An important effect of this Bill, resulting from an amendment to the Liquor Act, is the removal of the prohibition on the conduct of lotteries on licensed premises. The longstanding problem, whereby licensees could not utilise their premises for the drawing of raffles, will be overcome. It will also allow a licensee to permit the conduct of raffles on his premises, provided a permit has been issued by the Lotteries Commission.

The Bill also contains amendments to the Stamp Act to impose a duty of 5 per cent upon the face value of all tickets to be used in a continuing lottery. For that purpose, persons who are in the business of supplying tickets to the clubs or charities will be required to obtain a licence from the Commissioner of State Taxation.

Ticket suppliers will be prohibited from supplying tickets unless they hold a licence, and clubs and charities holding permits will be prohibited from obtaining tickets other than from a licensed supplier. The licensed supplier will sell the tickets to the permit holders at a price which includes the duty component. The duty will then be paid by the licensed supplier by way of a monthly return to the commissioner. In order to provide a period to enable the licensing of ticket suppliers and the printing by them of duty endorsements on tickets prior to the imposition of the duty, the Bill provides for the licensing provisions to become effective from the date of assent. The liability for duty will then come into effect from an "appointed day".

It is proposed that all applications for a licence as a supplier of tickets will be made to the commissioner who will have the power to refuse any application, having regard to such things as financial stability, whether the applicant has previously held a licence which had been cancelled by the commissioner, or whether an applicant has an interest in a business already holding a licence. It is not proposed to limit the number of licences issued. However, trading in licences will be prohibited by making them non-transferable.

Provision has also been made for a licence to be cancelled should the holder breach any of the provisions as contained in the Bill, or should the licensed supplier cease to carry on business. There will be rights of appeal through the Local Court against the commissioner's decision to refuse an application for a licence or to cancel a licence.

As previously mentioned, the duty will be paid by the licensed suppliers by means of a monthly return to the commissioner. In this respect, the Bill provides that the return, together with payment of the duty, will not be due until three months after the month of the sale.

It became clear during consultation with suppliers, that any requirement to pay the duty in the month immediately following the sale of the tickets would create severe financial burdens, as sales are predominantly made on extended credit terms running into two or three months. Accordingly, the proposal contained in the Bill will give the suppliers adequate time to collect the duty from permit holders.

For the purpose of identification and control, it has been necessary to make a number of provisions for the printing and movement of tickets. The Bill also contains certain stringent controls on the surrender, cancellation, and destruction of tickets, as well as requiring licensed suppliers to take precautions to secure and protect ticket stocks. All these provisions are designed to protect the revenue from schemes to evade the duty.

As a deterrent to such schemes, a penalty of $10 000 has been set for offences with power for the commissioner to cancel the licence of a supplier who contravenes any of the provisions.

There is one final matter I wish to mention in respect of the tickets presently being sold in small clubs and in licensed clubs. It has been acknowledged that a transitional provision is necessary to exclude from duty those tickets which have been purchased prior to the operation of this legislation.

Accordingly, the Bill provides that such tickets may be sold free of duty by those clubs which will become permit holders under the provisions of this Bill for a period of three months after the day appointed for the introduction of the duty. These transitional provisions will only apply to tickets in the hands of permit holders. No such provisions apply to licensed suppliers and all tickets sold by them after the appointed day will be subject to duty and liable to bear the endorsements as proposed in the Bill.

The Western Australian Hotels Association has sought the introduction of ticket dispensing machines in licensed premises for some time. The Bill now before the House will fulfill that request and provide funds for sporting clubs and charitable organisations and also provide revenue to the State.

The proposal to introduce the licensing provisions first, and then impose the duty liability from an appointed day, will mean that the first duty payment will not be due until three months after the introduction of the duty. For example, duty payable on tickets sold during the month of June would be due in a return to be lodged with the commissioner no later than 30 September. As a result it is expected that no revenue will be collected this year, with only 10 months of collections in the next financial year. Revenue collections from this source for 1985-86 are expected to be approximately $850 000 with $1 million being collected in a full year.

Debate adjourned, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

CASINO (BURSWOOD ISLAND) AGREEMENT BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [12.07 p.m.]: I move—

That the Bill be now read a second time.

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

This, on current estimate, $220 million project will provide a major boost to the ecomomy of this State, both in the short term and the long term. The agreement commits the developers to spend $200 million on the project. The project is about jobs, economic growth, and confidence in the State's future. The economy's base will be broadened. Significant construction and permanent jobs will be created, not only at the casino complex but also through a broad cross-section of industry and commerce. Tourism will be boosted with further increases in incomes and employment across many businesses.

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

This development will bring thousands of new job opportunities to this State and assist in alleviating unemployment, especially in the 18 to 25 years age group. The State will receive significant revenue from the taxes and licence fees that the developers will have to pay. It is estimated that the

State will be receiving at least $8 million per annum from these sources.

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

Besides the initial $220 million investment, provision exists for a possible further $100 million investment by the developers in the future. A wide range of new facilities (theatre complex, ampitheatre, etc.) and valuable new park land will also be developed for the benefit of the community. Importantly the State will not have to make any financial payments under this agreement.

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

The purpose of this Bill is to seek parliamentary ratification of an agreement between the Minister for Racing and Gaming and the successful developer/operator chosen by the Government to build and operate a casino resort complex on Burswood Island. Parliamentary sanction is required to comply with section 19 of the Casino Control Act, 1984. Parliament was informed of this requirement during the passage of the Casino Control Bill last year. Ratification of the agreement will enable the developers to seek the necessary permit from the Perth City Council to enable construction of the $220 million complex to begin. It will also pave the way for the successful developer/operator to lodge a formal application with the Casino Control Committee for a casino gaming licence pursuant to section 21 of the Casino Control Act.

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

Members of the committee visited casinos in Australia and overseas where these organisations currently conduct gaming operations. The committee was also assisted by the Australian Federal Police and the Royal Malaysia Police.

The control committee was unanimous in its recommendation that the responsible Minister should enter into an agreement with the consortium comprised of Perth businessman, Mr Dallas Dempster, and Tileska Pty. Ltd.

Tileska Pty. Ltd. is a Sydney-based company which is owned by the Lim family, who in turn control Genting Berhad, the owner and operator of the casino resort in the Genting highlands of Malaysia. Genting Berhad is the fifth largest public listed company in Malaysia.

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

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

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

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

That should be an all-weather swimming pool, not an all-leather swimming pool.

The investment of $220 million will be funded as follows—

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

The further $110 million required to fund the project will be borrowed by the Burswood Property Trust, which will own the assets of the casino resort complex. The Rural and Industries Bank of Western Australia has agreed to be lead banker for the borrowing and will hold a mortgage on the casino licence and the resort complex.

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

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

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

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

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

To facilitate the use of 12.5 hectares for the casino resort complex, the Perth City Council will sell to the Government two hectares of land which is zoned urban, with the remaining 9.5 hectares to be leased to the State Government at a peppercorn rental.

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

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

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

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

The developers will spend $15 million on the establishment of foreshore parklands, general landscaping and the golf course, under the supervision of the Burswood Park Board. Membership of the board will comprise two members each from the Perth City Council, the Casino Control Committee and Burswood Management Ltd.

The board will be responsible for management, maintenance and promotion of the whole reserve on Burswood Island, excluding the buildings which comprise the resort complex.

It is emphasised that neither taxpayers nor ratepayers will be financially responsible for the maintenance and future development of the public recreation areas, including the golf course. The Burswood Park Board will be funded by an amount of $1 million or 1 per cent of gross casino revenue annually from the casino resort operation, whichever is the higher figure.

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

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

During the construction period, an average 1 500 persons will be employed on site. Employment and income in businesses supplying materials

to the building industry will also increase. On completion of the project on 31 December 1986, the complex will provide employment for 1 760 persons. The casino will provide 1 000 jobs, the hotel 500 jobs with a further 260 jobs in maintenance, gardening and other areas.

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

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

The agreement provides for a Government tax rate of 15 per cent of gross casino revenue. This is additional to the 1 per cent of gross casino revenue to fund the Burswood Park Board. Therefore, the developers will be responsible for payment of 16 per cent of their gross casino revenue before any operating expenses are deducted.

The agreement fixes the tax rate of 15 per cent for 15 years. After expiry of the 15-year period the Minister may increase the tax rate to a maximum of 20 per cent but cannot increase the percentage by more than 1 per cent each year.

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

Each applicant wil be investigated by the Casino Control Committee. Individual licence fees will cover the costs of these investigations. Provision has been made in the agreement for an annual escalation of the $400 000 licence fee based on CPI increases.

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

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

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

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

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

Part III deals with the corporate structure of the founders and covers the issue of units in the trust to the public. The selling price of shares will be 50c each and a minimum parcel will be 1 000 shares. No person will be able to hold more than 5 per cent of the total number of units on issue at any time except with the approval of the Minister. Foreign ownership will be limited to 40 per cent of units on issue.

Part IV provides for payment by the developers of 15 per cent of gross casino revenue to the Treasurer and the annual licence fee of $400 000 to the Casino Control Committee. Provision is also made for the Burswood Park Board to be paid 1 per cent of gross casino revenue or $1 million per annum, whichever is the higher figure. This part also provides the machinery for the grant of a casino licence and review of the rate of casino tax.

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

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

under the Lotteries (Control) Act and other Acts, including chocolate wheels and raffles.

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

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

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

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

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

The State's revenue will be boosted by—

a tax of 15 per cent of gross casino revenue (estimated to be at least $7 million per year);

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

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

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

I commend the Bill to the House.

Debated adjourned, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

ACTS AMENDMENT AND VALIDATION (CASINO CONTROL) BILL

Second Reading

MR TONKIN (Morley-Swan—Leader of the House) [12.26 p.m.]: I move—

That the Bill be now read second time.

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

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

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

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

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

It is intended that the bars in the casino and the theatre restaurant be operated under a caterer's permit from the hotel since they will be under the control of the one operator. The hours to apply to the caterer's permit in the casino and the theatre restaurant will be as notified to the court by the Casino Control Committee. Liquor provision for the exhibition centre will also operate under a caterer's permit from the hotel, as and when required.

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

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

Several definitions have been added and others amended for clarity. The definition of "Game" has been revised by using the present definition of game of chance in the Police Act to include games played by means of any electrical, electronic or mechanical contrivance or any other instrument of gaming. This will afford a measure of protection to the developers by preventing the exclusivity provisions of the agreement being circumvented by the playing of casino games on such machines elsewhere in the State. Amendment of several sections has been necessary to provide for the circumstances relating to the processing of a casino gaming licence for a person who is a party to a casino complex agreement. Section 4 has been amended to specify the powers of the Casino Control Committee. A similar amendment, in relation

to officers of the committee, has been made to section 9.

Section 19 has been substantially amended to provide for the circumstances in which a person who is a party to a casino complex agreement wishes to apply for a casino gaming licence. The major change is a requirement of the Casino Control Committee to conduct a prior examination into the reputation and financial status of the company or companies wishing to enter into an agreement with the Minister.

This amendment is occasioned by the circumstances in which the Government was placed last July when the contenders for the Burswood Casino were reduced to two finalists.

Because of the level of investment proposed by both finalists, the Government asked the Casino Control Committee to examine the submissions of both finalists before making a recommendation to the Government of its preferred choice. This reflects the desirable course of action in the event of the Minister entering into an agreement with a developer to establish and construct a casino.

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

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

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

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

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

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

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

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

Debate adjourned, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS BILL

Second Reading

Debate resumed from 6 March.

MR WILLIAMS (Clontarf) [12.33 p.m.]: At the outset I say that in essence I support the Bill. It is a good concept and the Government has shown initiative in bringing it to the House. However, it is fraught with problems as it is a loose draft and a great deal of work needs to be done.

In Western Australia in particular there are problems with shopping centres and tenants which perhaps do not apply anywhere else in the world. We all know the old saying that Britain is a nation of shopkeepers. That may be so, but it is my understanding that there are more shops per head of population in Western Australia than anywhere else in the world. There lie some of the problems. We must also bear in mind that our vast tracts of land carry only a small population to support those shops. In the city and metropolitan areas in most other States the population densities are four to five times greater than that of Perth, so shops there are a more viable proposition.

When shopping centres are built in this State, no matter where they may be, landlords or agents acting on their behalf are inundated with people wanting to go into those centres. There again lie some of the problems; the agents and the landlords believe there are so many people wanting to go into so few shops in one centre that they can jack up their rents and make certain demands which otherwise they might not have been able to make.

I have listened to members speaking of the number of shopkeepers who have gone bankrupt or have failed in their business. Again, in this State we have climatic conditions which perhaps

do not apply to the same extent in other States. Let us take the temperature yesterday or today. We are in autumn throughout Australia but we are still experiencing summer temperatures in Perth. In Melbourne, temperatures are around 20C and they are getting rain. One might ask what that has to do with shopping centres. I assure members that people in shopping centres know where they are going and most tenants or people in business buy according to their knowledge of the weather patterns. That is particularly so in the clothing business. They know summer and winter will start at certain times, and they can buy accordingly. In this State many small shopkeepers get caught by unseasonal weather and are left with stocks they cannot sell, and accordingly they go phut.

Another factor which has a detrimental effect on shopkeepers is that Western Australia is a State of gamblers. We have Lotto, horseracing, trotting, dogs, lotteries, and bingo; you name it, we have it.

Mr MacKinnon: And beer ticket machines.

Mr WILLIAMS: Yes, they were introduced today.

It must be remembered there is only a certain amount of money in a person's pocket each week. Where some of that money was being spent on the essentials of life at one time it appears today to many shopkeepers and business people that the turnover is not there and it is due mainly to our excessive gambling.

I had an example of this the other day when a newsagent told me about a woman who would always come to his newsagency at least once a week and buy a small paperback book for her daughter. Since the Instant Lottery and Lotto was introduced the daughter has been deprived of that reading material because the $5 a week the mother used to spend on that is now being spent on Instant Lottery, etc. That may not seem much, but when it is applied to the great majority of the population in this State one realises a great deal of money is taken out of circulation in the business community and simply goes to gambling. That is definitely having a detrimental effect on business.

The two most important aspects of this Bill are to make sure that both the landlord and tenant get a fair go. If that were the case in theory there would be no problems, but it does not occur in reality. When a shopping centre is opened a flood of people want to go in. When the landlord or agent makes his decision as to who is to be the lucky person, because there is invariably only one or two of a particular type of shop in an arcade, the successful tenant signs a lease for three or five years.

My personal experience leads me to say that one factor in this Bill that I like is the proposal for five year leases. I have found from practical experience that I would like five years with an option of five years and an option for another five years. Then one has continuity of tenancy and the added advantage of being able to look to the future and know exactly where one is going.

Too many people say when they go into a shopping centre that they only want a 12 month lease so they can see how they go. I do not believe those people should be in the shopping centre because they do not have faith in themselves. They should not be in business.

Anybody entering a business must be prepared to put his back into it and work. He must be prepared to advertise that business to make it a viable proposition. A lot of people fail in business because they do not go out and get people to come to them.

Obtaining a lease for either three years or five years is the simple part of setting up a business. Renewing the lease or taking up the option on that lease can be the tough part. It is at those times that the landlord can put his boots in. From time to time we hear of landlords saying to tenants that if they want their lease renewed they will have to pay him a lump sum. That is another reason why this Bill must be passed. However, I do not know how the legislation will overcome that problem. The landlord can use many ways to fleece his tenants.

I believe another very important factor to be considered in three-year or five-year leases is that only one revision of the rent should be allowed in that five-year term. Landlords should not be allowed to review rents every 12 months. Tenants cannot allow for future costs in those circumstances. A tenant could cope with an increase if it were indexed to inflation. He could allow also for increases in rates and taxes. However, some owner syndicates of shopping centres revalue rents every 12 months thereby increasing the rents that the tenants have to pay. I am very sure in my mind that rents should be reviewed only once during the term of a lease. If a lease is for three years, the rent should be reviewed 18-monthly and if the lease is for five years the rent should be reviewed only every 2½ years.

We have noticed that today landlords increase their rents by 10 per cent every 12 months. That was all right when inflation was skyrocketing. However, today the inflation rate is well below 10 per cent. While landlords have been able to say, in

the past, that a 10 per cent increase covers only the rate of inflation, that does not apply today. The inflation rate is about seven per cent so the landlord is ripping his tenants off by increasing their rents by 10 per cent.

Another important matter for tenants is the outgoings. To date the outgoings in many shopping centres have not had to be accounted for. In my view this is a serious matter and, in some cases, I feel it is blatant stealing. Landlords must be accountable for their outgoings.

Mr Bryce: Have you checked that out with the member for East Melville?

Mr WILLIAMS: I did not deliberately because I have been talking from a practical point of view. Many landlords and agents have used this method to increase rents every six months. That matter should be studied carefully.

Another aspect about which I will not have a bar—I will not enter shopping centres where owners apply this method of setting rents—is the method of assessing rent by the turnover of the tenant. No tenant knows what his turnover will be. However, if it is over a certain amount, the landlord then reassesses the rent. Many tenants find that, when their turnover rises above a certain amount, they are working for the landlord. There is no incentive, therefore, for the tenant to improve his business or for all the tenants to improve the shopping centres. I find that many shopping centres that apply this method of determining rents are not doing very well.

Another practice with which I disagree is the practice of landlords demanding that tenants upgrade their shopfronts. That places the tenant under unnecessary financial strain. Certainly, the shopping centre is improved but usually they have to upgrade their shopfronts under instruction by the landlord's architect. In many cases it is very costly and after the tenant has upgraded the shopfront he is often not guaranteed that his lease will be renewed. The landlord could also say that now that the shopping centre is looking much better, he will increase the rents. That is not fair to the tenants and it is another reason why they are grizzling. I am sure that most tenants want to have nice shopfronts. In that way they advertise the shopping centre and are therefore increasing their turnover. It is not right, in my opinion, for the landlord, because of the increased turnover of his tenants, to demand more rent.

Rents have to be fixed. A fair go must be had by all concerned. In many cases, that increase could be the straw that breaks the camel's back.

Shopkeepers spend a great deal of money on entering shopping centres and should be able to expect a fair return on their capital investment. A butcher has to install refrigeration and a grocer has to install stands which cost many thousands of dollars. I will not mention the obvious, which costs $60 000 or $70 000 to install. It is, therefore, necessary for business people to receive a fair return on their capital investment. They will not be able to do that if they have their hands in their pockets paying landlords ever-increasing rents or for improving the quality of the building on behalf of a landlord. The landlord reaps the benefits, but the tenant has the right to recoup his capital outlay and to take advantage of taxation rebates.

I believe this Bill is a good one. Members will recall that I spoke in this House many years ago about the case of a small businessman who was being ripped off. I hope this legislation has the desired effect. However, I feel that the wording of the Bill is very loose.

I recommended to the Minister that he give consideration to forming a small Select Committee of this House to consider the proposed amendments to this legislation. There are a great number of amendments which the Opposition believes will make the Bill more equitable and better for those concerned. If the Minister were to accept my recommendation we would not waste the time of this House during the Committee stage, it would have the desired effect for small business in this State, and at the same time it would be fair to the landlord.

I support the Bill.

MR GORDON HILL (Helena) [12.51 p.m.]: I place on record my support of the Bill which is before the House and I congratulate the Minister and his staff for the presentation of such legislation.

In August 1982 the Deputy Leader of the Opposition, now the Minister handling this legislation, moved a motion in the Legislative Assembly, which I seconded, calling upon the State Government at that time to establish a committee to examine the needs of small business in Western Australia. One of the concerns we expressed in speaking to the motion was the need to address the question of commercial tenancy agreements. Of course, the Government of the day rejected the motion and suggested that it was doing quite a bit for small business in Western Australia and for tenants of shopping centres. It cited a pamphlet which it had produced as an example of the work it had undertaken. It did not give any other example of what it had done in that area.

The pamphlet printed by the then Government assisted small business in drawing up contracts with landlords and it was a worthwhile exercise,

but it was the only action it had taken in assisting small business, particularly shopping centre tenants.

The then Deputy Leader of the Opposition, now the Minister for Small Business, indicated that when his party was in Government it would take action to rectify the situation and give assistance to shopping centre tenants, and this legislation is a result of that promise.

Great credit must go to the Minister in acting quickly in establishing an inquiry which was headed by a leading barrister, Mr Nigel Clarke, and our appreciation must go to him for preparing the report on which this legislation is based. I understand the legislation is also based on the Queensland legislation which was proclaimed in 1984. The Government is aware that the Victorian Labor Government and the South Australian Government have taken action in this regard. I believe that the South Australian legislation which is now before the Parliament is similar to this Bill.

I am sure the Minister has taken notes of the points which have been raised by members of the Opposition who have suggested that amendments be made to the legislation. I am not sure whether the interpretation by Opposition members of the clauses of the Bill which concern them is correct, but during the Committee stage the Minister, who has an open mind about these things, will be happy to discuss the issues which concern them.

The most pleasing aspect of the Bill is the question of the establishment of an arbitration system which will determine disputes. The member for Clontarf spoke about the need to establish a fair go for both landlords and tenants. In fact, there has been total support for the need to establish a fair go for all those who will be affected by this legislation. The establishment of a fair arbitration system on a two-tiered level involving a commercial tribunal addresses that problem.

Another pleasing aspect of the Bill which is, I understand, well-supported by shopping centre tenants is the requirement for a disclosure statement to be provided by a landlord to a tenant to indicate the basis of the agreement. The formula used in determining rentals is also to be disclosed by the landlord, and I am sure that will be welcomed with open arms by all tenants.

Under this legislation tenants will not be required to accept the option to include as part of their rent a turnover figure and, in fact, they will be protected against such action by this legislation. In addition, the bases or formula used to determine rental reviews are to be included in the lease agreement.

The Opposition has expressed concern about the question of a sunset clause. The Minister has indicated that such a clause does exist and that the Bill will be reviewed after five years and it will also be constantly monitored.

It is pleasing to note that businesses around this State were consulted by the Minister and his staff in regard to the drafting of this Bill. It is a thorough piece of legislation. I suggest very few pieces of legislation are perfect, but this Bill comes close to it.

When I spoke three years ago to this same matter I indicated that shopping centre tenants within my electorate were having a number of difficulties with their landlords—in particular, with those landlords who placed unreasonable rent demands on tenants. I also mentioned at that time that a goodwill payment was required and the tenants had to pay their rent a year in advance which, of course, imposed enormous difficulties on them. In many cases where the goodwill requirement applied and the rent was established as a result of the turnover figure many tenants kept two sets of records and I am sure that this matter was addressed by Nigel Clarke because it is addressed in this legislation.

The problems associated with shopping centres in my area and which I mentioned three years ago have not gone away. While the rental increases have been negotiated and have been at a reasonable level in recent times there has been some problem with huge rent increases at the time shops have changed hands.

I cite a case of one small business in a large shopping centre in my electorate. The lessee was attempting to sell the business and he had a buyer for it who had been informed that the shopping centre landlord had been prepared to negotiate rental increases which in recent years had been reasonable. On that basis the potential buyer submitted an offer for the business, but the landlord became aware of the situation and decided to increase the rent by 41.6 per cent. The previous two rental increases for that business had been 3.7 per cent and seven per cent. The landlord's decision immediately frightened off the potential buyer and the shopping centre tenant concerned found himself in great difficulty and had to struggle on to maintain the business. This legislation addresses those sorts of issues.

I am pleased to be able to lend my support to the legislation and I indicate to the House that small business throughout my electorate has indicated its total support for it.

Debate adjourned, on motion by Mr Tonkin (Leader of the House).

Sitting suspended from 1.00 to 2.15 p.m.

WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL AMENDMENT BILL

Second Reading

Debate resumed from 15 November 1984.

MR BRADSHAW (Murray-Wellington) [2.16 p.m.]: The Opposition supports this Bill which, firstly, seeks to appoint a deputy chairman when the Minister for Industrial Relations cannot attend a council meeting. It is important—indeed, essential—that the Minister appear at Tripartite Labour Consultative Council meetings as often as he can, because if he does not, that virtually makes it a meeting between employer and employee groups, something they could do in private without the need for a Tripartite Council, with all the costs that body involves.

It is strange there is a need for such an amendment. Most committees can democratically select a replacement chairman. The tripartite council should be able to find its own chairman or deputy chairman. It seems that the council is far from reaching consensus; there does not seem to be as much goodwill as might appear on the surface. There are various ways for a council to select a replacement chairman from among its members or groups.

Clause 2(a)(i) of the Bill seeks to delete the provision that the Director of the Western Australian Government Industrial Relations Service shall be a member of the council. We believe it is important that he continue to be a member of the council so that he can advise on the feasibility of implementing council decisions and seek information relevant to the council's deliberations.

The Bill seeks to provide a balanced approach of four members from each of the employer and employee groups. It was out of kilter with the Director of the Western Australian Government Industrial Relations Service as a member.

When the enacting legislation was being debated in the Legislative Council in 1983, an amendment was moved to include on the council a representative from the Perth Chamber of Commerce, as it was then known; it was seen as important to include a member of that organisation.

The Bill also seeks to amend the name of the Chamber of Commerce to the WA Chamber of Commerce and Industry Inc. It is only a minor amendment, but it is relevant that this be included.

My principal concern with the legislation is the fact that the Minister can appoint a deputy chairman from time to time. This leads to the possibility of abuse by enabling the Minister to appoint an adviser or some other non-Government employee, such as a unionist. This would put the balance of membership out of kilter, which would not be good. As I said earlier, it is essential that the Minister take in as many meetings as he can.

This practice of appointing a deputy chairman has already taken place; when the Minister was not able to attend a meeting because of a previous commitment, he left the Director of the Western Australian Government Industrial Relations Service in charge on that particular day. It is a sad reflection on this council if the Government intends to use one of its bureaucrats, such as the Director of the Western Australian Government Industrial Relations Service, as the chairman. It is up to the Government to put its case forward in the tripartite council meetings to implement the Government's commitments rather than have the job done by a Government employee.

It tends to make a mockery of the tripartite council. Public servants should be purely independent advisers and administrators. They should not be politicised and made to represent the Government's point of view.

The tripartite council is a discussion group in which people try to arrive at common ground. If public servants try to put forward only the Government's views, the employer and employee groups would not feel that justice was being done.

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.24 p.m.]: I thank the Opposition for its general support of the measure.

I cannot follow the logic behind the comments made by the member for Murray-Wellington concerning the use of what he described as bureaucrats. The Public Service exists to serve the Government and for no other purpose. Government departments are there at the behest of the Minister of the day. As the Minister and the Government changes, so too do the views put forward. The views that the Minister puts forward are the views of the Government and there is no reason for the Public Service to exist other than to follow through the views of the Minister on behalf of the Government.

I do not understand the logic behind the suggestion that, when public servants are involved in these positions, they should not put forward the Minister's or the Government's views. Such a proposition makes a mockery of the Westminster system of Government. Public servants work for the Minister and do his bidding. A Minister would not continue to have a person who was not suitable in that position.

The Minister chairs meetings of this nature, and that is why the legislation has been framed in this way, but, on occasions, the Minister will decide that the head of a Public Service department is an appropriate person to represent him. Although it was before his time in this House, that happened when the member's party was in Government. On a number of occasions, the Government was represented by senior public servants. The head of a department, or someone of similar seniority, would put forward the view of the Government of the day. There is nothing improper about that. It is within the role and responsibility of a public servant to put forward those views.

I thank the member for his support of the legislation and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and passed.

COAL MINES REGULATION AMENDMENT BILL

Second Reading

Debate resumed from 21 February.

Cognate Debate

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.28 p.m.]: I seek leave to deal with this Bill and the Mines Regulation Amendment Bill in a cognate debate.

Leave granted.

Debate Resumed

MR PETER JONES (Narrogin) [2.29 p.m.]: It will save the time of the House to debate what is essentially the same principle in the amendments which are proposed to the two Acts concerned. The Opposition supports the proposed amendments which seek to remove discrimination.

The amendments seek to remove discrimination against female workers within the mining industry in two specific areas. As far as the Coal Mines Regulation Act is concerned, there is a requirement that the discrimination *per se* be removed and the amendment to the Mines Regulation Act would allow females to work underground.

Females—that is a terrible word—already work within the mining industry, do many jobs, and undertake considerable responsibility. A provision within the Bill allows the Minister of the day to give approval for a female to work underground in the hard rock mining industry. In 1981 that provision was utilised to allow a mining engineer to go underground at Agnew. That was a specific power the Minister had to apply to the industry *per se* and which this amendment will provide. I think that is a satisfactory arrangement.

I am not sure whether some of the reasons given by the Minister in his second reading speech for this amendment are justified or adequate. I do not know that we should have to legislate simply because the United Nations convention on the elimination of discrimination says we should.

We certainly should not have to do so since there is no great impediment in the industry. I do not know that that needs to be done as a matter of some priority, albeit as the Minister says, it is the policy of the Labor Party.

In his second reading speech on the Coal Mines Regulation Amendment Bill the Minister indicated that we would be legislating in this way, but that it would be difficult to achieve. He is right in that respect because there are areas of activities which will predominantly remain the male reserve, by the very nature of the work. That is simply a fact of life, but that is not any reason for maintaining, in a legislative form, that that in itself can be inferred to amount to discrimination. However, an amendment to the Coal Mines Regulation Act relates to the use of juniors.

Under this amendment employers will be required to keep an accurate record regarding the employment of juniors. The Minister's speech refers to the fact that in the bad old days of employment child labor was used in the mining industry and that we should not see any return to that situation. That does not exist now, but we question the definition of "junior" which relates to anyone under the age of 19 years. We are not talking of someone who is aged 12 or 13 years.

Under this definition a person is a junior a year after he or she is entitled to vote. I suggest that the position is understood: Predominantly from a union point of view and an industrial award point of view, award wages will apply at 19 years of age. This is established already and determined by the Industrial Commission under the usual award process. That fact is not disputed, so why are we still referring to a person who is 19 years of age as a junior? I am not aware of the reason for that.

There may be some legal requirement which relates to some other Act or some other situation. The Minister may be able to tell me why, in clause 4 of the amending Bill, the parent Act is amended by deleting the reference to boys over 14 years of age, and substituting the words "juniors employed in or about a mine". Elsewhere a "junior" is defined as a person under the age of 19 years. There may be some technicality involved, but I am certain that my children at the age of 19 years would not like to be called juniors, particularly in relation to a section of an Act which specifically refers to the utilisation or exploitation of children.

We still have a provision to keep specific records of juniors under the age of 19 years. The general thrust of what has been done is laudable, but I do ask the Minister to indicate the reason for specific reference to a junior and why an employer is required to keep specific records as though those people involved are still considered child labour.

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.37 p.m.]: I thank the Opposition for its support of the legislation. In respect of the member's query regarding the definition of "junior", the amendment seeks to do two things: The first is to replace the word "boys" with the word "juniors", as has been pointed out by the member for Narrogin, and to define juniors as those under a certain age; that is to differentiate between juniors and those under the school leaving age who should not be employed at all. Where reference is made to juniors being under the age of the school leaving age it has been corrected in this Bill, because it was incorrect in the Act.

The second aspect to which the member for Narrogin referred is the fact that the definition of "junior" has been inserted. The member spoke about a junior being a person under the age of 19 years. In other words, someone between the age of the school leaving age of 15 years and the age described as a junior can be employed, but certain provisions must be adhered to relating to that employment. There is not universal acceptance and support for this measure. There is concern about the potential for exploitation and the way in which these things are handled, as well as what people should be paid, and that sort of thing.

The member for Narrogin pointed out that awards apply in these cases. The award concerned is the coal mining industry miners Western Australian award 1981. That is an award issued by the Coal Tribunal which has a member of the Industrial Commission as its chairman, although it is constituted separately. That award has a definition of "junior" as someone under the age of 19 years.

I accept the point made by the member for Narrogin that one might say the logical definition is someone under the age of 18 years, but that is the basis of the award. We were anxious not to cause the potential for some sort of disruption or an argument of what was in the law and what was a Statute of Parliament. It did not seem to be a major issue so we thought the simple thing was to follow the definition in the award.

There is no concern on the part of the employers about keeping these records of people of that age—those employed under the Department of Employment and Training and so on—so the records are readily accessible to our inspectors, and people such as union officials and the like.

I accept that, logically, the figure "19" might have been substituted for the figure "18". We were anxious to avoid discrepancies between various statutory instruments. We thought it was necessary to incorporate the figure "19" in the Bill. There is no philosophical reason for that age being included. It was regarded as being the most appropriate.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and transmitted to the Council.

MINES REGULATION AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from 21 February.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and transmitted to the Council.

CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT BILL

In Committee

Debate resumed from 27 February. The Chairman of Committees (Mr Barnett) in the Chair; Mr Carr (Minister for Local Government) in charge of the Bill.

Progress was reported after the clause had been partly considered.

Clause 5: Sections 9A to 9C inserted—

Mr TRETHOWAN: I appreciate the Minister's co-operation in being prepared to look at some of the questions raised in regard to this clause. I reiterate that the Opposition, provided it can be illustrated that the penalties outlined in clause 5 are the same as those which are currently in use in the Traffic Code, that they represent only a maximum penalty, and that a suitably modified penalty can and will be introduced in regard to this issue, is satisfied with the nature of the penalties.

I must admit that I still wonder why, originally, the Traffic Code had such extremely high penalties introduced as maximums. I know it can be said that it saves having to revise the monetary penalties too often because of inflation. However, they seem to be out of proportion with the modified penalties that have been charged.

I have a few concerns about the way in which juvenile offenders may be prosecuted. However, that may be something which time and practice will attend to.

As I said, I appreciate the manner in which the Minister has been prepared to consider these issues and seek advice.

Mr CARR: I thank the member for East Melville for his comments. I will try, in the next couple of minutes, to give him the assurances he seeks. Firstly, with regard to the penalties, it is true that the maximum penalties provided in the legislation are the same as those currently in the Traffic Code. I share the concerns of the member for East Melville that they are fairly high penalties. I understand that those penalties were increased sometime in 1982 when a road traffic amendment Bill was brought before the House. Those penalties provide a maximum penalty of $400 for a first offence and $800 for a second offence.

When the Committee debated this matter the other night, we were stopped because of the difference in the wording of the Road Traffic Act and the Control of Vehicles (Off-road areas) Amendment Bill. I have been assured that the slight difference in wording is not of any concern in the sense that section 72 of the Interpretation Act clearly says that, where a penalty is specified, the offence is punishable on conviction by a penalty not exceeding that specified. I believe that the Committee can be assured that those penalties of $400 for a first offence and $800 for a second offence are maximum penalties.

The Act provides for modified penalties to be established by regulation. Those modified penalties cannot exceed the maximum penalty; they must be applied uniformly as to the amount.

By way of comparison, in the Road Traffic Act at the present time the infringement notices or modified penalties are at the level of $40 for seatbelt infringement. It is my intention that, when the regulations are drafted for a modified penalty, there will be a corresponding infringement penalty of $40. That is my expectation at this time.

Another point raised by the member for East Melville was the question of the person who is responsible for an offence that is committed on a trail bike or an off-road vehicle. I point out that there is a slight difference in the provisions of this Bill compared with those of the Road Traffic Act.

This Bill provides that each person, be it a rider, driver, or passenger of a vehicle or bike, is responsible for his or her own actions and would be liable if charged for his or her own actions. That is different from the provisions of the Road Traffic Act which state that the rider of a motorcycle is responsible to ensure that he and his passenger wear a safety helmet. Therefore, the passenger on a motorcycle has no liability. The Road Traffic Act provides also that the driver of a motor vehicle commits an offence if he or she drives while a passenger under the age of 14 years fails to wear a seat belt. Also a passenger in a motor vehicle who is over the age of 14 years and who fails to wear a seat belt commits an offence. The reason this Bill has been drafted differently relates to the provisions in the parent Act under which a person as young as eight years of age may legally ride or drive an off-road vehicle. If the same provisions are used as in the Road Traffic Act, it could lead to the ludicrous situation of an eight-year-old who rides a motorcycle being responsible for the fact that his father, or some other adult riding as a pillion passenger, may not be wearing a helmet. For that reason it was decided that each person would be responsible for his or her own actions.

The member for East Melville has raised a couple of questions relating to firstly, the Criminal

Code which includes an overriding provision that persons under the age of seven years cannot be charged with offences.

Therefore, a person under the age of seven, riding as a passanger without a seat belt or without a helmet, cannot be charged. Similarly, the Criminal Code provides that before children between the ages of seven and 14 years can be convicted, it is necessary to prove that the child was aware that an offence was being committed at the time. Obviously, that would be difficult to prove in court and the onus of proof will be placed on the prosecutor. It is, of course, similar to the situation where people of that age—from seven to 14 years—are charged with, say, shoplifting.

The member for East Melville asked who ultimately pays the fine in the case of a child who has been convicted. Who does pay the fine? Do the parents or the guardian of that child pay the fine? The only advice I am able to provide is that it is for the court to decide who pays the penalty and the way it is to be paid. Presumably the court would have the power to direct that the child should pay or that the parents take responsibility for paying the fine on behalf of that child. That is the best information I can give on that matter.

I have covered the matters raised under clause 5, and if the Chamber will bear with me for a moment I will answer one other query raised in relation to a different clause.

The member for East Melville referred to inertia reel sash seat belts and the possibility that where the vehicle is travelling over a rough road, these belts can lock, or tighten and relock, causing a dangerous situation. My department has not been able to come up with any evidence to support that view. The Act specifies a fixed lap seat belt as a minimum requirement. For those concerned about the effect of the inertia reel sash seat belts locking, the answer would be to install a simple sash belt across the waist.

I hope that answers the matters raised by the member for East Melville.

Mr TRETHOWAN: I thank the Minister for his explanations. They certainly clarify the situation. As I said earlier, he has given us assurances that the penalties are maximum penalties, and a suitable and modified penalty will be introduced so that an infringement notice under this Act will be similar to an infringement notice under the Road Traffic Act. We do have and will continue to have a problem with very young potential offenders under the Act, and particularly in relation to the wearing of motorbike helmets.

I understand, as I said in my second reading speech, there are machines specifically designed for children between the age of six and seven years and perhaps up to 10 years. The machines are balanced for children of that age. Many children indulge in riding such vehicles as a recreation, and particularly motorcycles. That represents a problem in terms of the enforcement of this Bill. The intention of the Bill is clear, but there will be a problem in enforcing its provisions. I wonder whether consideration might be given to sporting organisations which involve themselves with children of that age engaged in motor-cross events. I think most motor-cross clubs have pretty stringent requirements. It may be possible to promote an awareness of the provisions of the Bill in relation to wearing helmets through such clubs and through the schools.

I appreciate the Minister's mentioning the automatic reel adjustment seat belt problem. I understand what he is saying—if that is a problem, a simple sash belt would comply with the Act. That would be easy to install and the reel automatic retracting belt could be used on the road and it could be disconnected in rough country. That is very clear. It would be a satisfactory answer for those people who have expressed concern. I again thank the Minister for his co-operation and indicate that we support the clause.

Mr THOMPSON: I live in an area where there is a problem with respect to off-road vehicles. The legislation we are discussing is fine in so far as it makes provision for people who are responsible and who take action to protect themselves and to protect others. There is no real problem in regard to those people who know the law and respect and obey it. However, some people simply have no regard for the law at all. It will not matter what this legislation says; it will not have an impact on them.

I am frequently in touch with the rangers of the Shire of Kalamunda.

The CHAIRMAN: Order! Is the member aware that we are discussing clause 5?

Mr THOMPSON: Yes. I am relating my comments to restraining devices and helmets. The remarks I have made are introductory to those which I intend to make.

I have frequently written to the Shire of Kalamunda to advise on the activities of people riding off-road vehicles without any regard for themselves or others. One problem concerns one of the local pony clubs. Frequently these young people on motor cycles tear around the bush and frighten the horses and their riders. The riders do not stay long on the horses, they go in one direction and the horses go in the other! The motor

cyclists do not wear helmets, they have no respect for themselves or for others.

Another area of concern has been drawn to my attention recently by a person whose child was knocked down by one of these vehicles. This individual asked me what sort of recourse he had and what sort of insurance cover there would be for a third party involved in such an accident. I have had correspondence with the Attorney General to draw attention to this matter and to try to get something done to address what I see as potentially a very large problem.

The Control of Vehicles (Off-road areas) Act itself was a matter of a lot of discussion in this House some years ago. Many people in the area where I live took a keen interest because they saw the prospect of some effective control over the nuisance which was then present as a result of the activities of people riding off-road vehicles around the hills.

There has been no significant impact as a result of that legislation, and people are still being harrassed by irresponsible riders tearing around the hills on these motor bikes. It is all very fine for us to come here and put laws on the Statute book, but unless more is done to enforce the law and ensure that people act responsibly, it is almost a hollow exercise.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Carr (Minister for Local Government), and transmitted to the Council.

ATTORNEY GENERAL: O'CONNOR CASE

Censure: Standing Orders Suspension

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [3.05 p.m.]: I move, without notice—

> That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved:
>
> > That this House censures the Attorney General for misleading the Parliament by failing to disclose that he acted against the advice of the Chief Crown Prosecutor when he ordered that the Crown take no further action in the case against Mr J. J. O'Connor, Secretary of the Transport Workers Union.

The Leader of the House, on behalf of the Government, gave an undertaking this morning to make this time available to debate this motion, and I seek the leave of the House now to do so.

Mr THOMPSON: I formally second the motion.

MR TONKIN (Morley-Swan—Leader of the House) [3.07 p.m.]: The Deputy Leader of the Opposition has moved for the suspension of Standing Orders. As indicated this morning, we made this offer to the Opposition from the very first. The Opposition decided to put on a show, of course, and that happened straightaway. At the time, I indicated that in spite of the time lost in that way, the Government was prepared to entertain this motion later on.

I will say it again, because it is worthwhile being said for the record. The present Opposition, when in Government, never extended this courtesy to the then Opposition.

Mr Clarko: Have you checked that out?

Mr TONKIN: It never did. Twice in two days we have allowed the debate to take place, on a matter which is clearly an attack upon one of our most valued and respected Ministers. That indicates that the Government is prepared to allow debate to take place in this House. If the Opposition had more maturity it would have accepted our offer this morning instead of moving the abortive motion it did, and then still want a second bite at the cherry.

Apart from yesterday, which was private members' day, the Government has accommodated the Opposition twice in debating this motion.

Mr MacKinnon: You have not accommodated us once on this issue.

Mr Laurance: We have had nothing so far. You suspended Standing Orders yourself for your own purposes.

Mr TONKIN: To allow the Opposition to debate the subject!

Mr Laurance: It was your motion.

Mr TONKIN: The member must be very dim, because if a positive motion is put forward, the negative can be put forward by the Opposition. This was an opportunity to debate this issue. Of course the Opposition debated it.

Mr Laurance: You could have debated anything you liked.

Mr TONKIN: We suspended Standing Orders for the Opposition's purposes, as members opposite know very well. We allowed the debate to go on in order that the actions of the Attorney General could be discussed. The Opposition knows that.

Mr Laurance: Listen, give us something we can believe, not all this rubbish.

MR TONKIN: We could have gone on with Government business, but what we did was to allow the debate. On Government business day again we are allowing a debate to occur. If members opposite do not have the decency and graciousness to accept that, they are not worthy to be the representatives of the people in this place. If they cannot see that this Government is allowing a debate on this issue twice in two days, they are strangers to the truth.

The fact of the matter is that twice this Government has permitted this debate, and that fact should go on the record books, because it is a very different record from the kind of courtesy members opposite extended to the then Opposition when it was in Government.

The SPEAKER: Before I put the question I remind the House again that this motion requires an absolute majority. If when I put the question I hear a dissentient voice I shall have to divide the House.

Question put.

The SPEAKER: I have satisfied myself there is an absolute majority present.

Question thus passed.

Censure: Motion

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [3.10 p.m.]: I move—

> That this House censures the Attorney General for misleading the Parliament by failing to disclose that he acted against the advice of the Chief Crown Prosecutor when he ordered that the Crown take no further action in the case against Mr J. J. O'Connor, Secretary of the Transport Workers Union.

At the outset let me say that if the Leader of the House had shown some maturity we would not have had to put up with the ridiculous tirade we just heard from him. The facts are clear: The Government rejected our approach yesterday to debate this issue in our own time, not the Government's time. Today we have had to waste the Government's time because our request to suspend Standing Orders then was not agreed to.

But to proceed with the motion: We need to go back firstly to see where all this began. Members will recall that back in April and May last year there was quite a deal of industrial militancy being exercised on building sites and other areas around the State.

The Opposition expressed concern on behalf of the people affected and I refer members now to a motion moved by the Leader of the Opposition on 9 May last year. I quote his words from *Hansard*—

> The wording of our motion is deliberate, because we are not referring to ordinary, run-of-the-mill industrial action. We are talking about action which goes completely outside any acceptable standard of industrial conduct;

That is also what is at issue here. What really caused the concern of the Opposition was the failure of the Government to take any effective action at that time under industrial procedures.

In another place, motions were also moved and debates conducted on this issue. There, the Minister for Industrial Relations at the time, Hon. Des Dans, indicated quite clearly to the Parliament that he was not prepared to invoke industrial legislation to deal with those actions, those physically violent actions, in the workplace.

On 18 April, prior to the motion moved in this House, he had this to say—

> Contempt is contempt, and, as I have said on a number of occasions in respect of penalties, where people get involved in a fracas on building sites or anywhere else and physical violence occurs, it is not the right of the Industrial Commission to deal with it. We have the law—the Criminal Code, etc.—to deal with it, and no-one can argue with that.

No-one can argue with that—except it seems that the Attorney General can.

The Opposition continued to raise its concern and draw the matter further to the attention of the Parliament and, as I said, on 9 May the Leader of the Opposition moved a motion in this House.

It is interesting to note what Government members said at the time and I ask members to cast their minds back to last night and to the inane interjections which came from the member for Armadale, the Minister for Education. It will be of interest for members to note what he had to say in May 1984 about these types of issues. His statements are made to ring very hollow when we look at the actions of the Government and the interjections by the Minister last night when we debated the actions of the Attorney General. I will quote what the Minister for Education had to say in May 1984 when he was talking about asking the

Minister for Police and Emergency Services to allow police officers to go to the office of the Leader of the Opposition and listen to details of his complaints of thuggery which was going on around building sites and elsewhere. He wanted to see whether the police would be satisfied that a charge could be laid against those people. Of course, a charge was subsequently laid and we have seen the Attorney General's action. But I want members to listen to what was said then by the Minister for Education, because his words are now thrown back in his own face. I quote as follows—

> Then the people of this State will be in a position to see how good that evidence is by watching it go through the impartial court system of this land in order to have evaluated the extent to which law-breaking has or has not occurred. Members opposite should calm down. That action having been taken, it really is incumbent upon the Opposition, if it has a serious concern for the economic and social wellbeing of the Western Australian community, not to enter into exercises which are designed to provoke division, and to promote prejudice and hatred for their own political ends because that shows a contempt not only for the Western Australian people but also for their intelligence.

I could say exactly those same words today about the Attorney General. The Minister for Education's words sound very hollow now following the action taken by the Attorney General last week.

The police inquiry produced evidence that a case against Mr O'Connor seemed to exist. A case proceeded in the Magistrates Court and we saw a lot of public debate and a number of strikes and protests, together with many public utterances from union representatives and other people.

At the time, under questioning in Parliament, the Premier made a commitment which has been referred to in this House over the last week. I will refer to only two sentences of his comments, although he had quite a deal to say. He said—

> I repeat that there is no role for the Government in that matter. We do not see a role; we do not seek a role, nor will we play a role.

In May and September of last year the Minister for Education and the Premier clearly had the right attitude. However, since then, for reasons yet to be explained, they have quite clearly changed their views.

The committal hearing was heard, the case was committed to trial and then, just last week, we heard the astounding decision made by the Attorney General to act against all advice.

Let us consider where this advice came from. In the debate to which I referred back in May the Premier indicated, as did the Minister for Police and Emergency Services—as he has done many times—that the Government did not have the power or the wish to direct the police. Neither does the Opposition. The police examined the evidence presented to them and decided there were grounds for charges to be laid. It was not the Opposition which decided that, but the Police Force of WA, for which we have the greatest respect. But it has now had its charge thrown back in its face by the Attorney General through his overruling its decision.

We then had the magistrate of the committal court, after hearing all the evidence presented to him by both sides, also agreeing that the case should proceed. Mr O'Connor was not represented by an incompetent person but by very able legal counsel, as was the other side. The magistrate agreed that the case should proceed. The Attorney General then sought advice prior to making his decision.

Do we know to date who provided him with advice? To date it has been publicly acknowledged that he made his decision following receipt of two pieces of advice. He received advice from the Solicitor General who, despite the protestations of the Attorney General and the Government, despite the Attorney's reliance upon that opinion, did not recommend the course of action taken by the Attorney General. The Solicitor General did not make a recommendation. The Attorney General has acknowledged that. He has said—

> Taking his opinion as a whole, I value it as a very useful summary of the issues involved in this case which need to be put into the balance of consideration required for final decision.

The Solicitor General made no recommendation to the Attorney General.

We then come to the fourth area of advice acted against by the Attorney General. The Attorney has acted against the Solicitor General's advice, because he did not make a recommendation.

We now come to the explanation given yesterday by the Attorney General to the effect that the Chief Crown Prosecutor recommended that the case proceed but that he, the Attorney General, did not take that action. One must ask: Under what sort of pressure was the Attorney General for him to override all that advice? Further, why did he not make public that information about the

Chief Crown Prosecutor's advice at the time he made the statement to Parliament?

Let us turn to the first question. Under what pressure did he act? He has already admitted publicly that the action he took was after pressure was applied by the ACTU, the ALP, the TLC, and Mr O'Connor's solicitor, in other words the Transport Workers Union. They are all the groups which have applied pressure to the Attorney General.

Mr Brian Burke: I think he specifically exempted the ACTU. He said to me last night the Opposition had referred to the ACTU and he did not know where you had got the reference from.

Mr MacKINNON: I am pretty sure we got it from the newspaper. I take the Premier's point. The newspaper says the Attorney General told a Press conference later that he had reviewed the case after submissions from Mr O'Connor's lawyer, the Labor Party, the TWU, and the Trades and Labour Council. I apologize to the ACTU. Those other four parties, however, were involved. If the Attorney General says he did not succumb to that pressure and there was no deal or trade-off, why does he refuse to let us have access to the submissions made to him? Why is the information not public? What does the Attorney have to hide? What was contained in the letters to make the Attorney act against all the weight of the advice? The whole of the judicial system in this State was against what the Attorney wanted to do. The public reaction clearly indicates that they are against it, too. There was no reason whatever for it to happen. For the Attorney to rely on the Solicitor General's advice is very shallow ground indeed and a poor case on which to base his decision.

If the Chief Crown Prosecutor gave that advice in the first place and the Solicitor General made no recommendation, what pressures were upon the Government at the time and on the Attorney General in particular? The Premier and the Government should come clean and table the documents. If they have nothing to hide and they reject the allegation that the pressure came from that party and deals were made, let them quash the allegation and wipe it off the face of the map by tabling the information and silencing that criticism once and for all.

Secondly, why is it that the Chief Crown Prosecutor's opinion was not tabled prior to now? It has not been tabled and we do not know whether it will be tabled. The Premier gave a commitment last night that he would discuss it with the Attorney and I hope he has done so. That opinion should be tabled. The Attorney should indicate to us the other information and advice he has received.

We are now in the position where two matters need to be further clarified. The first of those two matters is the question of the pressure applied to the Government; in this respect, the papers should be tabled to clear that doubt that a deal was done or that pressure was brought to bear unduly to overturn the course of justice. The second relates to the Premier's claims reported in this morning's paper about Mr Leishman and the manner in which the Premier misused question time last evening to abuse the member for Nedlands. The member for Nedlands will second this motion and he is able enough to provide his own defence.

For the purposes of the record however, let me explain what Mr Leishman had to say for himself in this morning's *The West Australian*. The newspaper said—

> The man at the centre of the debate, Mr Bruce Leishman, said yesterday that the lack of support from the Premier was the last straw in his dispute with the Transport Workers Union.

Contrast that with the comments of the Premier yesterday trying to deny all the knowledge or involvement by him and his staff. Contrast the denials and vocal protestations by the Premier yesterday with the further comments of Mr Leishman who is reported as follows—

> Mr Leishman said that he spoke to officers representing Mr Burke, the Minister for Police, Mr Carr, and the then Minister for Industrial Relations, Mr Dans.
>
> "Each time, it was recommended to me that the bans would only be lifted, if I paid the money," said Mr Leishman.

Mr Carr: That is simply wrong as far as I and my office staff are concerned.

Mr MacKINNON: Is that not what the member for Nedlands had to say? If the Minister thinks that is wrong he should have it out with Mr Leishman who is prepared to state it publicly outside this Parliament. If the Minister disputes it, he should take it up with Mr Leishman. The newspaper report goes on as follows—

> "I telephoned the Premier's office as the last resort and spoke to the secretary.
>
> "His secretary said that Mr Burke was in a meeting and he took all the details of my complaints.
>
> "The secretary then said that he would take up the issue with the Premier.
>
> "The secretary later recommended to me that the only way the bans would be lifted was to pay the money."

Presumably that secretary had consulted the Premier or senior officers of the Government or other Ministers. Who knows? He came back to Mr Leishman and confirmed the advice he had received from two other Ministers or their officers: "Pay up and shut up because that is your only chance of getting back to work".

We all know that Mr Leishman eventually took that course of action, but I am pleased to say he had enough guts to be a man of principle and stand up for those principles and pursue them through the judicial process which until recently I thought was a fair one in this country.

Mr Blaikie: It was the only avenue open to him.

Mr MacKINNON: That is right.

The Premier said one thing and the man at the heart of the issue said that the lack of support from the Premier was the last straw. Those are his words, not ours. This is one little man with a small business standing up for his own rights. It is one little man against the strength of the whole union movement and the Government. He is a man to be admired, but he has been crushed underfoot by this Government and the disgraceful action of the Attorney General.

It was an amazing admission last night that the Chief Crown Prosecutor's advice was in contrast to that on which the Attorney claimed he was acting. Why has it been suppressed? Why did the Attorney fail to disclose it until last night? What more has he to hide? These questions need answering and there are plenty more. If the Premier wants the headlines to improve he should ensure the questions already raised are answered as these other questions should be. I have already mentioned one. Will the advice of the Crown Prosecutor be tabled, and if not, why not? The Attorney General has tabled the Solicitor General's advice. He is the chief officer. The Solicitor General in giving his advice, which was inconclusive, relied on the Chief Crown Prosecutor's opinion which recommended against that course of action. The Attorney has admitted that. That advice should be made public for all to see.

If the Attorney is going to override the normal processes of the law, the public of Western Australia are entitled to know on what grounds he acts. Clearly the public are entitled to know what other advice the Attorney received. Who else did he consult? Did he consult other officers in the Crown Law Department or not? Did he, for example, consult Mr Tom Butler, that political eunuch who sits in the Premier's office doing nothing whatever? Was he consulted by the Attorney? Was it his opinion? The Attorney should come clean so the public know exactly whose advice he acted on, and that information should be made public. The submissions made to the Attorney by the ALP, the TWU, and the others involved in the case should also be made public. What have the Attorney and the Government to hide? If the Government is confident the Attorney has made the decision, and if it is interested in protecting his integrity and authority, those submissions should be made public.

Who else made submissions in that regard? Did anybody else make submissions? We have heard of those who did; were there others? Why were Mr Leishman and his representatives not consulted in this whole process? It seems a very one-sided argument to me with the Attorney reacting and giving in to pressure from the unions and the ALP, and at the same time not bothering to consult the other side of the coin.

The other question that needs answering is when the Premier first discussed this matter with the Attorney General.

What happened is that the Premier indicated that the Attorney alerted or advised him of his decision on Wednesday night—I do not really know what happened, but perhaps the Premier had a discussion with the Attorney at an earlier date. I do not hear an interjection from the Premier, so it seems as though the Premier did have discussions at an earlier date with the Attorney, but he is not prepared to indicate to the House the nature of the discussion.

Mr Brian Burke: The Attorney General advised me of his intention and I did not discuss the matter with him prior to the receipt of his advice.

Mr MacKINNON: Is the Premier saying that he did not discuss the question of the O'Connor case with the Attorney General prior to the Attorney's advice?

Mr Brian Burke: The question of the O'Connor case came up in this House on a number of occasions before I received the Attorney's advice. I did not discuss the matter with the Attorney General and he did not discuss it with any other Minister.

Mr MacKINNON: I am asking the Premier when he actually discussed the question of the O'Connor case with the Attorney General, a discussion which led to the Attorney's decision. Did he discuss it with the Attorney General in the last month prior to the Attorney making the decision?

Mr Brian Burke: Not at all.

Mr MacKINNON: I find that hard to understand when last night in the Legislative Council Hon. Ian Pratt indicated that the information he

received was that the Premier personally consulted a departmental officer about the O'Connor case.

Mr Brian Burke: That is perfectly wrong! Tell me who it was and when it was?

Mr MacKINNON: The Premier would like the Opposition to say who it was and the person concerned would be on his roller skates and out the door as quick as one could say, "Jack Robinson".

Mr Brian Burke: If you do not supply that information, how can I deny it?

Mr MacKINNON: If the Premier denies it now we accept it but, subsequently, the facts will win out in any case. The Premier might now believe that, but the truth will come out in the end and, if the Premier is proved to be wrong, he will stand condemned for what he is saying now. I am happy with the Premier's commitment that he has not discussed the matter with any officer.

Mr Brian Burke: What about it if I did? The truth is I did not discuss it.

Mr MacKINNON: If that is the case the Premier has nothing to lose.

Mr Brian Burke: You do not accept it.

Mr MacKINNON: I accept it, but while I accept what the Premier has said I do not believe it is true.

How can the Premier claim, as he did the other day when he made a statement about an extra 300 police officers to support the Police Force in this State, to stand behind the Police Force when the Attorney General has thrown mud in its face? After all, the police decided that there were appropriate grounds for the case to proceed.

What will happen in the future when the police are presented with similar evidence which would support a similar case proceeding? Surely the police will be sorely tempted to say, "Why bother when we know that when it comes to the crunch, and the unions bring pressure to bear, the Government will withdraw the case?" The Premier and the Attorney General have thrown that back at the Police Force.

What will people like Mr Leishman do to obtain police protection? The general public of Western Australia know what this Government will do when pressure is brought to bear. The law of the Government will prevail.

Mr Blaikie: What the people of Western Australia will do is pay the penalty.

Mr MacKINNON: I return to the editorial which was published in *The West Australian* last Friday. It reads as follows—

> The unions argued all along that the charge against Mr O'Connor was not legitimate and that he engaged only in normal union activity. But in the interests of justice that should have been for the court to decide.

On a recent television survey 14 000 to 3 000 agreed wholeheartedly with the sentiments of the Editor of *The West Australian* which are the same as those of the Opposition. The editorial continues—

> Mr Berinson has confirmed public suspicion that some union leaders can thumb their noses at the law—with impunity.

We need only look to the events of last weekend to see that suspicion has manifested itself already. Last Saturday at the airport who was in the forefront of industrial militancy? It was none other than J. J. O'Connor, clearly in the knowledge that he would not be prosecuted regardless of what he did. What happened again last Saturday at Lake Argyle? There was a picket line at the junction of Great Northern Highway and the Lake Argyle turnoff to prevent people from going to the mine site. That action was the result of a demarcation dispute which was similar to that dispute which arose at the airport. Early yesterday morning one truck driver, accompanied by his wife and child, drove through the picket line and stones were hurled into the truck, narrowly missing the child.

What is the Government doing to stop the union thugs in the Kimberley attacking innocent people? We must bear in mind that the Minister for Industrial Relations happens to be the local member for that area. The Government has done absolutely nothing about this problem, and what will it do? Absolutely nothing! If the police interfere, what will the Government do? The Attorney will intervene and "Nolle" Berinson will strike again. It is clear this Government has lost all credibility when it comes to the rule of the law.

The public of Western Australia know clearly who rules in this State; that is, Mr O'Connor and his militant union friends. They are running supreme with the total support of this Government and Premier.

I urge members to support the motion moved today.

MR COURT (Nedlands) [3.39 p.m.]: I second the motion. The Deputy Leader of the Opposition has explained quite clearly the reason that this House should censure the Attorney General for misleading the Parliament, by failing to disclose that he acted against the advice of the Chief Crown Prosecutor when he ordered that the Crown should take no further action in the case against J. J. O'Connor. It is unusual for the Government to go to such lengths to make sure that we did not debate this subject last night.

Last night we saw that the Premier of this State has become desperate, and, during question time he used the device of a trumped up question to make allegations that were totally untrue. In his panic we saw some remarkable events occur yesterday.

Yesterday morning the Premier put out a statement saying that he was in the United States at the time it is alleged that the subcontractor had contacted his office. He said that the truck driver had not made contact with his office, yet at the end of the day he finally admitted that perhaps the truck driver did make contact with his office.

Mr Brian Burke: You said he spoke to me.

Mr COURT: I will say what I said, and it is clearly outlined in *Hansard*. I will not be interrupted by the Premier as I take this opportunity to explain the facts.

Mr Brian Burke: You said he spoke to me, and he did not.

Mr COURT: I will tell the Premier what I said. The Premier has resorted to mud slinging in order to avoid the issues. It is interesting that the Leader of the Government has already started falling back on mud slinging tactics. He thought it would be clever to throw around a bit of mud about one of the former Premiers and his involvement in companies. Don't worry; I was on the receiving end of these attacks for many years before I came into this Parliament. When people get to the stage of throwing mud, they are on the way out; they are going backwards.

The Premier does not deny that yesterday morning he put out a statement saying that he was overseas at the time and that this person did contact his office. Mr Leishman knows only too well when he contacted the Premier's office, because he happened to be down at Robb Jetty with a truckload of fat lambs which could not be unloaded because his truck was banned. That was on 26 March, a Monday; and it was then, in sheer frustration, at about 9.00 a.m. that he made contact with the Premier's office.

The facts connected with this were debated on 9 May last year, and no-one denied what we said then. In fact, to the credit of the member for Geraldton, he acted very quickly the next day and the police investigated this case. We know what was the end result of those investigations. At that time, in *Hansard*, the following appears—

Mr Brian Burke: Just find what you said on Tuesday.

Mr COURT: I will find that.

Mr Brian Burke: You do not have to look so far back. Have a look at Wednesday's paper.

Mr COURT: On 9 May, I said the following—

> Remember, he is a small businessman and did not have the back-up of a lawyer to help him fight the unions and the Government. In sheer frustration he went to the Premier. He has now gone back to the court. If the TWU wanted to take it further it could also have gone through court proceedings, but it has been taken to the Industrial Commission. It ends up at the Premier.
>
> Mr Laurance: Now surely there will be some action. Now he will get democracy.
>
> Mr COURT: Word comes back from the private secretary saying the only way out of the situation is to pay the money and the ban will be lifted.

Last night, the Premier trumped up an accusation in question time, based on something he was quoting from *The West Australian* that I was supposed to have said; so let us have a look at what I said. In Parliament on Tuesday night, I spoke between 5.00 and 5.15 p.m. We had a very lengthy debate on this subject, and when the Premier replied, he summarised the debate at some length. At no stage then did he bring up the points I had made during that debate. It was not until the Premier saw the front page of the paper the next day that he hit the panic button and, out of desperation, he thought he had better jump up. Let us consider what the truth is. Let us have a look at what is in *Hansard* for Tuesday, where the following appears—

> Mr COURT: He then went to the Minister for Industrial Relations who was overseas at the time and his secretary, Mr Kins, contacted him with some advice which was that if the money was paid the bans would be lifted. He then went to the Premier's office because he wanted some help somewhere along the line.

At no stage did I say that Mr Leishman spoke to the Premier. I said he went to the Premier's office; and, as I said back on 9 May—

Mr Brian Burke: In any case, I repeated to you what was in the paper, and you did not retract it.

Mr COURT: During question time, how can I get up and defend myself? When I wanted to rise last night to defend myself, the Government would not allow us to debate the subject.

Several members interjected.

Mr COURT: Don't be stupid! The Premier has definitely misled the public in this particular case.

Mr Brian Burke: You play with the truth. You did not retract it, and you got caught out.

Mr COURT: Does the Premier want me to read the telex he sent out? It contained the following—

> Mr Burke said the opposition had quite deliberately misled the Parliament with claims that he had refused to provide assistance to the complainant in the case.
>
> In fact, Mr Burke said he was overseas at the time when the opposition said he had discussed the matter with truck driver Mr Bruce Leishman.

Overseas! The Premier was in the office when Mr Leishman rang up. The telex continues—

> "My office has no record of Mr Leishman having been in contact at all and this opposition claim simply illustrates the depths to which it will sink to score political points", Mr Burke said.

Mr Brian Burke: As I said yesterday, I object to your saying I spoke to Leishman.

Mr COURT: I never said the Premier said he spoke to Leishman. The Premier should keep to the facts.

Mr Brian Burke: I read the quotation to you, and you did not retract a word of it.

Mr COURT: In question time, the Premier read out of the newspaper. Did he want me to debate it at that point? I said that Mr Leishman visited the Premier's office. If the Premier reads *Hansard*, he will find that I said it was his office.

Mr Brian Burke: You said you did not retract a word of it.

Mr COURT: Just keep going for a few more lines. I said it was the Premier's office; and I made it quite clear in the debate on 9 May and last Tuesday that it was the Premier's office.

Let us not move away from the facts. The Premier has allowed a chap to go through the Industrial Magistrate's Court. The man tried to get hold of three Ministers, and each Minister washed his hands of the matter.

Mr Brian Burke: Are you satisfied I did not speak to Leishman?

Mr COURT: I never said the Premier spoke to Leishman. I said it was in the Premier's office.

Mr Brian Burke: When I put to you the report in the paper, you did not retract it.

Mr COURT: If that is the best fabrication the Premier can make up, he is on his way out.

Several members interjected.

The DEPUTY SPEAKER: Order! I am quite sure that members on both sides of the House heard me quite clearly call for order three or four times. We all know that I do not object to interjections of a somewhat orderly nature. It is not orderly when members who are not debating directly—that is, the member for Nedlands and the Premier—make cross-Chamber interjections. They do not add to the debate, and they make this place look like the sort of place it should not be. If you have something to say, I ask that you wait until the member for Nedlands has finished and then rise to your feet. Alternatively, you can leave the Chamber and speak, but you should not interject to members who are not on their feet.

Mr COURT: During the Premier's tirade in Parliament yesterday, he also said, "I've never spoken to Leishman. I've never discussed this matter with him."

Mr Brian Burke: That is true.

Mr COURT: Yet the member for Greenough said that the Premier discussed it in hospital.

Mr Brian Burke: No he did not.

Mr COURT: The member for Greenough said that the Premier met Leishman in hospital.

Mr Tubby: That's right.

Mr Brian Burke: So you are misquoting your own member.

Mr COURT: Did the Premier meet Mr Leishman in hospital?

Mr Brian Burke: Yes.

Mr COURT: Did he discuss this case with him?

Mr Brian Burke: I did not know who he was. He did not say who he was. He was wandering around on crutches, and if he had said he was Leishman, I would not even have recalled the fellow. You have to justify your statements yesterday.

Mr COURT: That is very interesting, because Mr Leishman distinctly said that he and the Premier met and had a discussion.

Mr Brian Burke: In hospital?

Mr COURT: Yes, in hospital. Mr Leishman was having a replacement knee inserted.

Mr Brian Burke: If Mr Leishman said that, he is telling lies.

Mr COURT: How then did the Premier know that in fact it was Mr Leishman?

Mr Brian Burke: Because the nurses told me afterwards that two policemen had been up to see him when he was in hospital.

Mr COURT: I heard that the conversation went something like this: "How do you do, Mr Premier?" The Premier said, "Call me Brian". Mr Leishman then introduced himself and said, "What are you in here for?"

Mr Brian Burke: You are pathetic. You are desperate.

Mr COURT: The Premier just said that he had never spoken to the chap.

Mr Brian Burke: Why don't you tell the truth?

Mr COURT: I am telling the truth, the Premier should not worry about that.

Several members interjected.

Point of Order

Mr RUSHTON: I am trying to hear the member for Nedlands, but the Premier is interjecting continuously and I cannot hear the member. I would like the Premier to let us hear the story.

The DEPUTY SPEAKER: I find it impossible to give a member protection in this place if he encourages interjections and then answers them and feeds on them. If that is the way the member wants to speak, that is what will happen, although the interjections must be somewhat orderly and they were not on that occasion as far as the members of the Government were concerned. By the same token, it is not possible for me to offer a member complete protection if he encourages interjections. That is his choice. If a member wants the protection of the Chair, all he has to do is continue to ignore the interjections and I give my word that those interjections will cease.

Debate (on motion) Resumed

Mr COURT: Thank you, Sir, for those comments.

The details of what went on during this case have been well canvassed over the last year. I just return to the point I made that it was a desperate move yesterday on the part of the Premier when he decided to try to fabricate a story so that he could get a headline. He is the one who can be accused of telling untruths to get a headline. I have quoted from *Hansard*, and I have quoted his telexes, and the facts are there very plain to see.

This case should never have gone this far. Three Ministers of the Crown should have been able to sort it out. It should never have become the sad and sordid affair we now see.

The most recent action by the Attorney General to withdraw the case, even though such action was against the advice of the Chief Crown Prosecutor, is just another very sad episode in the story.

As we know, Mr Leishman had to give all his correspondence, details, and the like to the police. Some of that correspondence is still with the Police Department. I should like to read a letter dated 3 April 1984 from Mr Leishman to the Minister for Police and Emergency Services. I am sure that Minister will not mind. The letter clearly sums up what has happened in this case. It reads as follows—

> Jeff,
>
> You will recall our telephone conversation at the beginning of March referring to black bans placed on our Company by the Transport Workers Union.
>
> Although now, after another Industrial Commission hearing and four weeks of bans imposed, not only on my transport but also produce and livestock, I have had no alternative but to pay a settlement amount to allow me to continue trading and to lawfully go about running a business.
>
> But Jeff, what I am sour about—where is there justice? Surely I went through the correct channels of the law, but there was no help or sound advice available to me from any Government Department or politician to ensure law was enforced.
>
> I would be confident that had I lost my case and not have paid my fines, I would have received a demanding call from the Police Department. However it was just passed over by your Government with no attempt to overcome this impasse.
>
> Unfortunately it just makes me realize who is in charge of our country and wonder why should anyone endeavour to find alternative export markets and employ a large number of men as we do. The handling of this matter by your Governmentt and your Industrial Relations Department leaves much to be desired.

In many ways, that letter sums up the sad state of affairs in many industries throughout Australia.

This Government has got itself into a tremendous mess. On the radio this morning I said that I believed the way in which the Government had acted on this issue would be its downfall. I am sure that will be the case, because justice has not been done. There were plenty of opportunities for justice to be done through the courts and through approaches to different Ministers.

For those reasons, it is important that we pass this censure motion against the Attorney General.

My final point is: I wonder what rights Mr Leishman now has to try to obtain compensation. Members can imagine the inconvenience to which this man has been put. The case started in March last year and it was first raised in Parliament in May. It is now March 1985. Not only has Mr Leishman had to meet the costs involved, but also he has been subjected to black bans, he has had to obtain advice, and he has had to live with a great

deal of publicity. Mr Leishman is only trying to run a business, but he continually has these people on his back.

In the last couple of days Mr Leishman has had to face a tirade of abuse from members of the Government under parliamentary privilege. Government members have made comments along the lines that, if Mr Leishman had paid the money in the first place, this would not have happened.

Mrs Buchanan: That is exactly right.

Mr COURT: That is the reason the case went to the industrial court. That is what the whole case is about. Government members simply do not understand the position. They are quite prepared, under parliamentary privilege, to abuse this gentleman who has been put through all this hardship in the last year. He has not received any justice and I tend to think he will not get any compensation either.

MR MENSAROS (Floreat) [3.58 p.m.]: This motion throws light on yet another detail in a very sad and unholy case which has occupied the attention of virtually all Western Australians during the last week. It illustrates once again how the Government endeavours to get out of a situation when it senses, but ignores the fact, that the public know the Government acted improperly. I deliberately used the word "Government" there, because although it tried to pass the buck to the Attorney General, it then not only supported his action, but also ceremoniously moved a motion of confidence in him.

Despite the fact that the Government has acted improperly, it is trying to get out of the situation and is desperately endeavouring to defend its propriety. However, it does so by twisting the facts, using innuendoes, and withholding evidence. That is precisely the subject of this motion.

If the Government behaved properly—if the whole case was quite proper—why was it necessary to pass the buck to the Attorney General? Why did not the Government initially take responsibility for the whole action? Why play with words? Why give the impression that the Attorney General acted on advice? That is playing with words, as was evident in the Premier's "Political Notes" column in this morning's newspaper. Of course the Attorney General acted on advice, but he did not accept the advice, he acted contrary to it. That is the subject of this motion.

If the Government were truthful there would be no need for manoeuvring and there would have been no need last week to object to the Opposition bringing forward the subject. No preparation is needed to tell the truth. If one wishes to tell the truth one does not need prepared speeches, one just stands up and tells it.

However, the Premier needed a long script to reply to the debate. Seldom does the Premier use a prepared speech, but he did on this occasion. He read it very well, but I say that a prepared speech is not necessary to tell the truth, especially when one is involved in the matter.

Several members interjected.

Mr MENSAROS: I do not have a speech prepared by someone else; I have a few written lines of my thoughts.

The Government wanted to come out and say something, because it knew that public opinion was against it. However, if the Government wished to be honest it would say that the Attorney General acted contrary to the advice he was given. Anyone who has been in Government knows the way in which files are presented to a Minister of the Crown.

Placed on top of the files is a report or recommendation from the head of the department, or its highest officer. Below that are other recommendations; from the most junior officer dealing with the matter in the first instance and so on. Sometimes one notes on the file that the whole story is repeated, and sometimes an officer writes a covering note to his higher officer saying, "I agree with what so and so said in his report".

Anyone who has been a Minister of the Crown would know that and could not deny it. A permanent head of a department ultimately reports to the Minister. If his recommendation is different from that given to him he will emphasise it; he will say, "I think the Minister should do this, despite a contrary recommedation to me on the file".

When I was Minister for Mines I had a most proper senior public servant as Under Secretary. He had only perhaps four or five years' schooling, but was more of a gentleman than many who have double or triple degrees from universities. If someone in the department had a view different from his he flagged it on the file. I am not advocating that the Minister should always act according to the advice given, but if he wants to take a different stance he must be careful to ask for another opinion, in order to reassure himself, especially when there are various significant points.

As I emphasised before, the Attorney General asked for this report. The report did not go to him in the normal way; he asked for it. Yet, oddly enough, the final report did not contain the recommendation. The Solicitor General could not bring himself to make a recommendation which was against his view. However, somewhere further down on that file was the Crown Prosecutor's

recommendation to enter into an indictment. That is what we are complaining about. The Attorney General just ignored that, and omitted to tell us of its existence.

If he had just ignored that, it would perhaps not have mattered so much, but he was silent about that fact. He published a full report from the Solicitor General, but was silent about the one from the Crown Prosecutor. How can he defend himself? It is not a case where he would not have mentioned any advice. If one mentions things selectively, of course one can be justly and rightly accused of misleading, and that is precisely what the Attorney General did.

The Attorney General has not always held that attitude, and that is another indictment against him. Members will remember the case of John Pat and the policemen who were accused of causing his death, or whatever the charge was. During the time of that case a witness by the name of Coppin admitted that he had lied to the court. He had perjured himself, and he said so. In that case the Attorney General did not press for any charges, but in order to justify himself he said that it was not really his decision, it was the decision of the Crown Prosecutor and it was the Crown Prosecutor who recommended that to him and that on the advice of the Crown Prosecutor he had decided not to institute *ex officio* proceedings.

He did not ignore the advice of the Crown Solicitor, neither was he silent about it. However, he brought forward the matter, because it was convenient for him. In this case, because it was convenient for him to remain silent, he did so, and thereby misled the House.

We must consider the advice provided which was asked for by the Attorney General, who was hoping to cover himself. The Attorney General did not ask for further advice, which would have been the proper thing to do. I can recall my experience when I had probably 100 files daily from the Under Secretary of the Department of Mines.

The majority of them were routine matters, but some were controversial when, for example, the under secretary recommended that the warden's verdict should be set aside and the Minister should decide otherwise. Invariably I asked for another opinion, not because the Minister cannot go against the advice given to him, but simply because I wanted to reaffirm for myself and for the public that the action taken was correct.

This omission by the Attorney General is significant from the public interest point of view. I wish to take a moment to talk about the consequences of this decision, because that has not been referred to. The consequences are important. We must consider the consequences and judge the seriousness of the omission by the Attorney General to disclose the advice against which he acted.

One consequence is highlighted by the fact that Australia has slipped down from second to 21st place in the list of countries of the world as far as standards of living go. We have slipped from second place in the last 30 years. The reason for this is the actions and inaction of unions. Constant strikes have occurred and wages have been jacked up to the extent that we are no longer competitive in the world markets.

The consequence of the Attorney General's action is that the unions will do what they like. We should not think that the public do not notice. We should not think that this is just a domestic matter. I assure members it is not just a domestic matter.

I am sorry that the Minister for Minerals and Energy is not in the Chamber, because he would probably bear me out when I say that whenever one travels the world on behalf of the State and visits various companies overseas one notices the intelligence gathering of the people involved. I can remember going to Japan and being told what happened in Western Australia before I received a report from my own office.

I can remember travelling in Germany and having the pages of *The West Australian* newspaper recited to me. People overseas take enormous interest in these matters. What will the people involved in our smelter project think? The manufacuring processes of aluminium smelters is one of the most vulnerable to the interruption of power supply. If the process is interrupted for more than five or six hours, the costs run into millions of dollars, because the pots have to be reinstated in the proper condition to be used for further smelting. All that was in them is ruined.

It is important that overseas investors deal with countries they can trust. What would those people think of the Attorney General misleading the Parliament? We should follow the actions of Queensland and legislate in the interests of this State instead of allowing people to go around committing acts of extortion and blackmail. What would the Industrial Bank of Japan say about this matter? It was not very happy that it did not get its full permit. What would happen if it lent money to a transport organisation which was black banned by Mr O'Connor? The Attorney General would allow him to go free even though there are laws against those sorts of actions. Do members think that those organisations do not know what is going on? Of course they do. They

know better than some members of this House because it is their business to know.

I could go on and on about the consequences of this case. What about the tourist industry? If I were a travel agent in the United States of America I would tell people not to go to Western Australia first because of the law and order situation applying there. I would tell them to go elsewhere. Members may think I am exaggerating; I am not.

Let me try to compare the Government's attitude of righteousness with much more serious cases of law and order being upheld in very dire circumstances. The Government is concerned only about strikes. Of course, they are bad enough, but so what? What has occurred in other countries when hijackings take place and lives are put at risk? I do not know of any Government, with the possible exception of the Libyan Government—although even that Government would support law and order in this case—that would not safeguard the laws of the country involved. The West German, Israeli, and French Governments have all kept within the law when dealing with hijackers. In many cases it was their own people who were threatened by the hijackers. In some cases, people were killed. Yet those Governments were firm on law and order, even when lives were at stake. Has anyone criticised that stand? Has the Attorney General or the Government stood up and said that those Governments are inhuman? Of course, we all have to take risks. Those countries had to defend their reputations by keeping the law. They did not give in as the Attorney General has done in this case.

Under all those circumstances, it is very difficult to believe that anyone with the best of will and confidence in a Government would believe what he was told had occurred. We were told different things almost every day. A different defence is put up every time this subject is raised. I think that we are not only justified in bringing this case up again and again, but also it is our duty because the public must be made aware of it by our placing it on the record again and again.

This reputation is alien to this country. This Government would not last a day if its members were honest and had voted for the censure motion. This matter should be placed on the record so that interested people can examine it. The situation that previously existed will be restored when there is a change of Government. A position of law and order will be restored.

We have enjoyed a reputation overseas of being a trustworthy State. Indeed, Western Australia has a higher credit rating in New York than the Commonwealth Government. We also had a better ethical rating because we had much goodwill and were forthright. That has now gone.

The Attorney General's further non-disclosure of information indicates the secrecy which surrounds this matter. Mr O'Connor has been treated with favouritism. There has been a bending of truths and many untruths told in this whole case. Everybody who is interested in this State should know that there is an alternative Government which will put an end to this type of corrupt Government. Because of that, this motion is not only justified, but is of dire necessity. I therefore support it.

MR LAURANCE (Gascoyne) [4.17 p.m.]: I support the motion. I think this Parliament would have been a complete sham if the opportunity were not given this week for the Opposition to raise this important matter in its own way. I have never heard anything more prostituted than the way the Leader of the House spoke earlier this afternoon on the motion to suspend Standing Orders. He said this matter has been debated twice before. It has not been debated twice before. The Government introduced the previous motion. It can do that at any time on any issue. The Government introduced that motion in a platitudinous way of patting itself on the back. However, it is the Government's role to uphold the rules of Parliament and to give the opportunity for those with dissenting voices to attack the Government. The Government cannot say that that opportunity was provided when the Government introduced its motion at the beginning of the week. That motion had nothing to do with the matters about which we wish to speak.

We were forced, because the Government had the numbers and was able to suspend Standing Orders, to discuss what it wanted to discuss. That does not mean a score of one for us. The Leader of the House says that we had a second opportunity, but that was when the Government gagged the debate on private members' day.

What sort of farce are we coming to when we have a case of great moment relating to the Parliament of this State in the Legislative Council last week and we are not allowed to debate it? The Opposition is doing its job. We would be censured if we did not bring forward a motion of this nature. The people of this State would demand that any Opposition bring forward a censure motion after what happened last week. We tried to bring it forward on Tuesday. We were denied the opportunity by the Government, which could not face the issue. We waited until the following day, private members' day, and were again denied the opportunity.

It is a grave day for the people of Western Australia when the traditions of the Parliament are not being upheld, when the Opposition can be prevented from bringing forward a matter of such importance. Everybody, from you down, Mr Speaker, must look at his own performance and see why it is that a Parliament can be abused in this way. We all have a responsibility; you have, Mr Speaker, the Clerks have, the Government has, and the Opposition has. We are all responsible for the running of this Parliament, and for the way it is seen in the eyes of the public. Here is a situation where twice the Government has put off having this matter debated in a proper manner, because the Government knows the debate would not be in the form the Government wants. This is a forum for the Government to be on trial before the people of the State through the efforts of the Opposition.

It has taken until today for us to get the opportunity that the Opposition demanded and that the people of this State require. This has finally happened, and it is about time. Let the Government accept responsibility for putting it off for the last 48 hours. Now it must face the music at last, because the matter can no longer be put off.

However, the Government has succeeded in at least limiting the debate in allowing it to come forward in this way. Why bring it on on Thursday anyway? We could have used our time in an unlimited way yesterday, but the Government could not face the heat of that situation.

There are two things which we demand out of this. This is what this censure motion is all about. The Attorney General of this State must go. He can go in one of two ways. He can go like Mr Ellicott, the former Liberal Attorney General in the Federal Parliament. He can do the honourable thing and resign. That choice is still open to him. He has not a vestige of integrity left, but he might be able to salvage something out of the wreckage if he were to resign.

The second option is that the Premier has to take the action which he knows is really demanded of this situation, and that is to remove Mr Berinson from office. That is what the Opposition calls for, and that is what we believe the people of this State demand and deserve.

Mr Berinson can go before he is told, he can beat the falling axe, or the Premier will have to do the only right and honourable thing left in the circumstances. If the Attorney General will not resign, the Premier must remove him from office.

It is true we have called for resignations from other Ministers. It is true we called for the resignation of Hon. Peter Dowding. The Government members were condemned by their own actions in relation to that matter. The Premier has to live with that on his conscience. He has not taken that action yet, although he has moved the Minister around a few times. That is one way of giving him a rap over the knuckles. He is accident prone. He should have been forced to resign, and when the Premier was left without anywhere to go when his statements were read—

The SPEAKER: Order! We are not debating that.

Mr LAURANCE: It is just as well for the Premier we are not, but he will have to deal with it because that Minister will keep making the same sort of mistakes and the Premier will have to do something about him.

To conclude on that matter, when the Government members were given the opportunity of supporting that Minister in the traditional way they did not. Let it for ever be remembered there was no division; it passed on the voices in the Legislative Council. Legislative Councillors condemned their own Minister, and still the Premier did not get him to resign.

Mr Brian Burke: Do you think the Government members should have called, "Divide"?

Mr LAURANCE: They should have made every effort to support their Minister if he was worth it.

Mr Brian Burke: If they had called, "Divide" they would have to vote on the other side.

Mr LAURANCE: It is obvious they did not want to support him.

Mr MacKinnon: Why did they call, "Divide" on the other motion?

Mr Brian Burke: I do not know that they did.

Several members interjected.

Mr Brian Burke: I presume the President gave it to the "Ayes".

Mr Clarko: The actual figures are given in the newspaper so they must have called, "Divide".

Mr LAURANCE: But it was a motion against Mr Dowding.

Mr Clarko: They did a different thing.

Mr LAURANCE: To my memory it has happened only once before that a Minister of the Crown was not supported by his own colleagues in either Chamber, and that was only recently when the Minister for Housing came under strong attack—

Mr Brian Burke: Mr Medcalf did not even speak in the debate against Mr Berinson. That is the former Attorney General. I will tell you why: It is because the former Attorney General has so

much respect for the present Attorney General that he would not enter into the debate against him.

Mr LAURANCE: The only time that happened previously was when the Minister for Housing came under strong attack in the Council and he was left high and dry.

Mr Wilson: It was not worth answering.

Mr LAURANCE: They did not rise to his defence, and they would not vote on the motion to defend him. These sorts of things have happened, but they pale into insignificance compared to what happened on this occasion.

Mr Wilson: So do you.

Mr LAURANCE: Mr Dowding's tax problems are well known.

The SPEAKER: Order! The member must come back to the matter before the Chair.

Mr LAURANCE: The current case with the Attorney General is a different matter altogether. This strikes at the very heart of our judicial system, and it could not have been pointed out better than by the member for Floreat, a man qualified in the law himself who is very competent to tell us what the consequences of this action are. They are very considerable indeed.

There are two things: The first is that the Attorney General can no longer fulfil that office in this State and he must either resign to retain some honour or he should be removed from his office by the Premier.

The other thing we require—and the urgency motion really gives us the opportunity to call for this—is a full disclosure. We can go on the way we have been, with every day a little more coming out, but it only makes the Government look more and more odious in the eyes of the public. We can have a look at that particular aspect of it.

One week ago today, almost to this very minute, the Attorney General stood in his place in the Legislative Council and read a statement which was based on advice he had received from the Solicitor General, although in his favour he prefaced those remarks by saying that the advice of the Solicitor General was not that he should do what he was going to do.

Then he went on to give some of that advice which, in his own words, did not support a *nolle prosequi*. What he did not say was that he had other advice, advice from the Chief Crown Prosecutor, which definitely told him that he should not enter a *nolle prosequi*.

So he had a wishy-washy statement from the Solicitor General. Let that be on the Minister's head. I can only assume, because he is a man of honour and integrity, that he was asked for a statement that was wishy-washy. The Solicitor General, having been asked for a statement, knew that the Government would disagree with what he had to say and would try to salvage some respect, so he gave the Attorney General a little of this and a little of that.

The Government decided to have a little bit of that. To make matters worse, the Government came into this Chamber and brought in its own motion calling for confidence in the Attorney General and using, as the basis for that confidence, the advice of the Solicitor General which the Attorney General said did not support his case.

Mr Brian Burke: He did not say that. You are misquoting him. He said that he did not recommend.

Mr LAURANCE: On page 1 of the Attorney General's statement, the following appears—

> In fairness to the Solicitor General, I make it clear that he has not positively recommended the course I have taken.

Mr Brian Burke: That's right; he did not recommend.

Mr LAURANCE: Yet the Premier came here and said—

Mr Brian Burke: You said something different.

Mr LAURANCE: No, I did not.

Mr Brian Burke: You do not remember what you said from one sentence to the next.

Mr LAURANCE: The Premier was trying to reinforce his position by using the opinion of the Solicitor General, when the Solicitor General did not even say that the Attorney General was doing the right thing. He gave a 50:50 decision, but the Attorney General took it. The Attorney General said that, in fairness, he was not blaming the Solicitor General because he did not advise that course.

Mr Brian Burke: He said he did not recommend it. He did not advise it.

Mr LAURANCE: The Premier tried to use the Solicitor General to boost his position in a motion, yet another senior law officer of this State had given advice to the Attorney General, and that advice was that the case must proceed. So, the Attorney General had a wishy-washy half-and-half advice from the Solicitor General, and he had a positive advice from the Chief Crown Prosecutor. The latter advice did not come to our knowledge until the censure motion relating to the Attorney General was moved in the Legislative Council last night.

So we have had another partial disclosure. We say to the Government, "Come clean. Make a full disclosure". There should be on the Table of this House, and on the Table in another place, the advice of the Solicitor General, which we have had, and the advice of the Chief Crown Prosecutor, which we have not seen. I ask the Premier if he will make that information public.

Mr Brian Burke: As I indicated to your leader, I said I would discuss the matter with the Attorney General. I have discussed the matter with him, and I will reply to your question and your contribution in about 15 or 20 minutes.

Mr LAURANCE: We will look forward to that. We will wait to see that, because that is the next disclosure we require. When I say "we", I mean the public of Western Australia. We are here on behalf of the public of Western Australia. We represent the 14 000 people against as opposed to the 2 000 for the decision by the Government. It is running at about seven to one. Actually, we have run a book on the Ministers, and we have them running at seven to one against. Some of them have made it fairly public. I believe some of the dissidents have even had a meeting.

Mr Brian Burke: Which of the Ministers have made it fairly public?

Mr LAURANCE: The Premier would love to know.

Mr Brian Burke: You would love to know yourself. You have a strategy; say anything and hope that some of it is believed and reported.

Mr LAURANCE: The book we are running is at seven to one, and the Ministers are meeting.

We believe there are other important matters that should be disclosed in this place. We believe that the advice of the Chief Crown Prosecutor should be made public in the interests of fairness and justice in this State. We believe that any other correspondence, negotiations, or discussions that have been entered into, and other records pertaining to this situation, should be disclosed. A full disclosure is really what is required in this case.

We believe that the Australian Council of Trade Unions contacted the Premier. We believe that the Transport Workers Union and the Trades and Labor Council contacted the Premier and other Ministers, including the Attorney General and Mr Dans. If we are to know the full facts of this case, it is important to the people of the State that those facts be disclosed.

Why did the Attorney General decide only to produce one lot of advice? He decided to bring forward one piece of evidence. The Attorney General disclosed one piece of advice—that of the Solicitor General—but what about the rest of the advice? What about the letters, the telephone calls, or the records of transactions that took place between the ACTU, the TLC, the TWU, and the Government? That is the information that we require. The people of this State require it, and the people should have it.

Never mind about the Government saying, "We don't seek a role". The people of this State demand that they show the evidence. The people require full disclosure of the evidence, not just partial snippets here and there which support the Government's argument. We want to see all of this material on the Table of the Parliament where it belongs. That is what the House is for. It ought to be able to bring out this information.

I am challenging the Attorney General to get out of the Parliament. He does not deserve to remain here.

Mr Bateman interjected.

Mr LAURANCE: I could not believe that the member would even support what has been going on in the last few days, not that he is one of the members who has indicated to me he has some problems with it. As I say, the Ministers are running at about seven to one against.

Mr Brian Burke: I heard that a substantial number of members of the Liberal Party in the other House voted not to move a censure motion, and they were railroaded by the others.

Mr Clarko: That's not true.

Several members interjected.

Mr LAURANCE: If one has ever seen a Premier clutching at straw, we are seeing one now. He is casting around, trying to find—

Mr Brian Burke: I heard that the State Branch of the Liberal Party had instructed the Leader of the Opposition to go to the Eastern States in an attempt to have a censure motion introduced into the Federal Parliament. Now, your leader has gone to the Eastern States. Say that is not true! Of course he has gone. Prove it is not true!

Several members interjected.

The SPEAKER: The House will come to order.

Mr LAURANCE: What we are seeing here—

Mr Brian Burke: Your leader believes this debate is so important that he has cut and run. Prove it is not true! Why is he not here?

Mr LAURANCE: That is one interjection I would like to take on board. What happened is that the Premier got wind of the fact that the Leader of the Opposition would not be here on Thursday, and he used you, Mr Speaker, and the

Government numbers to put the motion off until the Leader of the Opposition could not be here. He ran scared.

Withdrawal of Remark

The SPEAKER: I warn the member for Gascoyne. I have been very tolerant with him. If he wants to reflect upon the Chair in those words, there is a way to do that. If he wants to accuse me of doing certain things, there is an appropriate way to do it. I ask him to withdraw that implication and apologise to the Chair.

Mr LAURANCE: I do so unreservedly. I withdraw the implication against you and apologise for it.

Debate (on motion) Resumed

Mr LAURANCE: Mr Speaker, I have said a number of things in this Chamber in the last week or so which have reflected on you and I have not done that lightly. None of the things I have said about the position of Speaker was said lightly, and when requested I have withdrawn the remarks and apologised. I do that now and I have done that for this reason: We are talking about throwing standards out the window. Standards of Justice in this State have gone right out the window. That is why the Attorney General really should resign. He has thrown the system of justice out the window.

All of us in this Parliament, and I emphasise "all of us", have the very major responsibility of not throwing the role of this Parliament out the window.

Mr Wilson: That is reflecting on the Chair.

Mr LAURANCE: I include the Speaker. This is one of our major responsibilities. The Government cannot overturn all bounds of decency and still demand respect. Respect is something that must be earned and it is very important to our parliamentary and judicial systems. The Government has thrown respect for our parliamentary and judicial systems out the window.

That is why this is a Government under seige. In the last week Government members have been running scared and we have seen the Premier make a slip and think of himself back in Opposition.

The Attorney General on two occasions—when he made his statement and when he debated the motion last night—was white with emotion. The Legislative Council had to be adjourned because when the Attorney General went up to his Press conference last Thursday, Mr Dans hid in his room and Mr Dowding could not handle the debate.

It is a Government under seige. There has been a big political turnaround in the last couple of days and the Government has been at pains to grasp at straws. What it has is straw. Government members have abused a lot of people to have them back off. They have lunged out to grasp at something to salvage their position. They lunged at the member for Nedlands in order to salvage something.

The Premier himself said that he was livid yesterday morning with the headlines in *The West Australian*, so he had his highly paid advisers rushing around all day trying to drag up something he could use in question time last night, but even then they got it wrong. He had to prostitute his own position again and lie to the Parliament. Fancy a Premier lying about what was said. And it is in *Hansard;* do not take my word for it. Members will find what the Premier has said—a senior political person is lying. Actually the member for Nedlands is really just a junior member in the Parliament.

Mr Brian Burke: When I read to him his quotes he said, "I do not retract a word". I read them again and he still said, "I do not retract a word".

Mr LAURANCE: Let us have a look at that. Is the Premier saying that the official record of this Parliament is *The West Australian* newspaper or *Hansard*? He cannot have it both ways. Is that fatso there trying to tell me that we should believe what is on the front page of the paper before what is in *Hansard*? Is that what he is trying to tell us? Is he trying to tell us that the newspaper report is the same as what is in *Hansard*? He should look at *Hansard*. The Premier is a liar.

Withdrawal of Remark

The SPEAKER: I have been very tolerant but I must ask the member to withdraw that remark he made against the Premier.

Mr LAURANCE: Which remark? The remark the Premier made yesterday about the member for Nedlands and again—

The SPEAKER: Order! I do not want the member to get smart with the Chair. I ask him to withdraw the remark he made against the Premier when he called him a liar.

Mr LAURANCE: Certainly, I will withdraw that.

Debate (on motion) Resumed

Mr LAURANCE: I will, for my own satisfaction, have a look at the words used yesterday. Those words were used by the Premier repeatedly. He used that word repeatedly yesterday. He did not withdraw because he is not a gentleman but a boofhead.

Withdrawal of Remark

Mr BRIAN BURKE: The member has said that I called the member for Nedlands a liar. I did not do that. I said that the member for Nedlands had told lies. According to your rulings, Mr Speaker, to call a member a liar is unparliamentary, but to say that a member has told lies is not unparliamentary. On that basis I ask that the member for Gascoyne be asked to withdraw the implication that on several occasions I called the member for Nedlands a liar.

The SPEAKER: Order! I have consistently advised the House that there is one term to which I take very strong objection, and that is for a member of Parliament to be called a liar. I have announced the reasons for that on many occasions, and now I ask the member for Gascoyne, as a result of the request by the Premier, to withdraw that implication.

Mr LAURANCE: I am happy to. One thing the Premier did—

The SPEAKER: Order! One thing the member must learn in this Chamber is that when the Speaker is on his feet the member should sit down. I have asked the member to withdraw the remark which the Premier has asked to be withdrawn.

Mr LAURANCE: I withdraw the statement I made that yesterday the Premier repeatedly called the member for Nedlands a liar.

Debate (on motion) Resumed

Mr LAURANCE: I will put on record what *The West Australian* said, seeing that the Premier has used that paper as his official record of what happens in this place. The headline reads—

Burke says Court lied to grab headlines.

I am refusing to use *Hansard*, as it seems it is no longer the official record of Parliament. I want to use the official record. I am happy to withdraw that if the Premier did not call the member for Nedlands a liar. Let the public make up their minds about what the Premier said of the member for Nedlands. The Premier came in with a trumped up charge and when I look at the official record of Parliament it shows that the member for Nedlands was right. The Premier came in here and used a snide trick. He came in here and waggled his snout around in the trough, hoping that something might splash on us.

Mr Brian Burke: What was the snide trick?

Mr LAURANCE: To come in here and accuse—

Mr Brian Burke: I read the statement and asked the member for Nedlands whether he would retract it.

Mr LAURANCE: It is here in the official record.

Mr Brian Burke: I didn't say it was the official record.

Mr LAURANCE: Which official record are we using?

Mr Wilson: It doesn't matter which record.

Mr Brian Burke: You are doing yourself a disservice.

Mr LAURANCE: No, I am enjoying myself. I have enjoyed having the Premier on the hook, casting around trying to hang on, bringing in ministerial statements to-day to try to shift attention from Mr Berinson. It was a nothing statement about a smelter. That smelter will never get off the ground while this man is the Premier. The Premier has not started a thing yet which was not underwritten by the previous Government.

Mr Brian Burke: Do you support the smelter?

Mr LAURANCE: Absolutely, and I cannot wait for the Premier to get it off the ground. I think I will be waiting a long time. It will not get off the ground while he is Premier.

I want to reiterate two points. One is the resignation of Mr "Nolle" Berinson.

Point of Order

Mr BATEMAN: This criticising of a member in another place has gone on far too long. Members opposite are using the name "Nolle Berinson". His name is Hon. Joe Berinson, and I do not think it should be used in any other context. I have been in this place for 17 years and I have never heard such utter garbage and such dreadful remarks against another member as those used by the member for Gascoyne. He should stop using the terminology "Nolle Berinson". The Attorney is an honourable member in another place. That terminology has never been used before and should never be used. The member is entitled to be referred to properly as Hon. Joe Berinson. If the member continues to call him "Nolle Berinson" he should be thrown out of the House.

The SPEAKER: I would like to read to the member for Gascoyne Standing Order No. 131 which states: "No Member shall use offensive or unbecoming words in reference to any Member of the House".

Debate (on motion) Resumed

Mr LAURANCE: Hon. Joe Berinson MLC should resign, and if he refuses to resign and retain any vestige of integrity which is left, he should be removed from office by the Premier.

Secondly, there should be full public disclosure of all records pertaining to this matter. The people of this State deserve it, and as an Opposition we are entitled to ask for it. If the Government does not do that the only reason can be that this move cannot be defended in any way. If it can be defended there should be full public disclosure.

MR D. L. SMITH (Mitchell) [4.52 p.m.]: The fact that we are debating the motion at all today, and the manner in which it has been debated, is a reflection on three things about politicians. The first is their own standards, the second is the cameo roles we play, and the third is the lack of knowledge we seem to have about the law we purport to legislate for.

In relation to standards, there is not one member of either House who in his heart believes any one of the things that have been said about Joe Berinson.

Mr Clarko: Of course we do.

Mr D. L. SMITH: I have known Joe Berinson for nearly 20 years in a multitude of capacities, and on not one score can he be criticised in terms of his integrity and personal values or any other value we judge people by.

Mr Clarko: Why isn't the Premier speaking?

The SPEAKER: Order! I took great notice of the debate on this particular issue, and I observed that while the Deputy Leader of the Opposition was moving the motion on behalf of the Opposition he was heard almost in complete silence. To my knowledge the member for Mitchell is the first speaker from the Government side. I ask members to accord him the same courtesy that was given to the Deputy Leader of the Opposition.

Mr D. L. SMITH: In relation to the cameo roles that we play, we purported today to discuss some aspects of the O'Connor case in relation to the Attorney General's handling of the matter. We have not discussed that at all. The Opposition knows only too well it cannot make any headway with any thinking person in relation to the integrity and standards of the Attorney General. Members opposite have adopted the usual Opposition tactics of diverting their criticisms to others on this side in the hope they can substantiate the challenge to the Attorney General by that means.

The Leader of the Opposition did that the other night in relation to the member for Clontarf. Instead of debating that issue he sought to divert some of the mud back to me. That is typical of the way in which Oppositions and politicians play the game. It is part of a cameo role.

I know that Joe Berinson does not play it that way. We all know the Attorney is very much his own man and the role he plays is his own because there is no member of either House who can say he is his equal.

Several members interjected.

The SPEAKER: Order! If members of the Opposition wish to continue interjecting it leaves me with only one course of action. If they do not want to invite that action the remedy is in their hands.

Mr D. L. SMITH: In relation to the lack of knowledge of the law which we, as legislators, should have, I point out that Mr Justice Kirby recently had something to say about the lack of legal knowledge of the Australian community. It is very evident that such an attitude prevails very strongly in this House. No-one has sought to debate the matter on the approach the Attorney took. No-one has attempted to say, for instance, that the Attorney did not have the power to recommend a *nolle*. There is no attack on the Attorney on the basis that he has exceeded his power. The right to institute a *nolle* has always been with the Attorney and the Crown.

Mr MacKinnon: That is not the issue and you know it.

Mr D. L. SMITH: It is part of the issue, because the proposition really being put by the Opposition is that if one is a trade unionist one should not be considered for a *nolle*; one should be categorised into a separate part of the community and not given the same considerations afforded to a person charged with a criminal offence.

Mr MacKinnon: You are a legal man; can you tell me of a precedent similar to the action taken by the Attorney General? Give me one precedent.

Mr D. L. SMITH: I want to deal with the question—

Mr MacKinnon: There isn't one and you know it.

Mr D. L. SMITH: There are dozens of examples. I could give the Deputy Leader of the Opposition a dozen examples in my experience of cases that have been "nolled" in this State.

Mr MacKinnon: Not like this one. You cannot, and you know it.

Mr D. L. SMITH: The Deputy Leader of the Opposition is displaying his abysmal ignorance of the law.

Mr MacKinnon: Even the Attorney would not agree with what you said.

Mr D. L. SMITH: The power for the Attorney to issue a *nolle* was there. The question of whether that power should be there is another matter. When it was in Government the Opposition did not consider at any stage setting up a director of

public prosecutions and separating the two roles. It did not think that was proper, and because it never took any action, the final decision in these matters rests with the Attorney. Do members opposite criticise the Attorney for seeking the appropriate advice?

Mr MacKinnon: He sought only one-sided advice, didn't he?

Mr D. L. SMITH: Is the Deputy Leader of the Opposition suggesting there was something wrong or bipartisan in the advice given by the senior legal officer of the State?

Mr MacKinnon: The Attorney General is not prepared to table the representations made to him urging him to make that decision.

Mr D. L. SMITH: The Attorney went to the senior legal officer in this State and sought advice. No member opposite has come to grips with what the Attorney said in that regard.

Mr MacKinnon: What did the Solicitor General recommend?

Mr D. L. SMITH: The Solicitor General said two things. Firstly he said that if it had been his decision originally there would have been no prosecution. However, that was not a matter for him; it was a matter for the Police Force. He also said that he would be inclined to proceed with the matter.

Did the Attorney seek to hide that advice which was given to him? He tabled the advice when he made his statement in the Parliament and he gave a full explanation of the matters he considered when making the decision not to prosecute.

Did the shadow Attorney in the upper House go into that House and say that the reasons given by the Attorney General should not have been taken into account? Has any member opposite referred to any of the text of the decisions that are used in Australia, England, or anywhere else in the world, in regard to that sort of prosecution?

Mr MacKinnon: Did the Attorney use any reference when he presented it to the Parliament? He used the Solicitor General's advice, and that was conclusive.

Mr D. L. SMITH: The Attorney gave reasons and there can be no legal criticism from any member opposite that he took factors into account—

Mr MacKinnon: Does that make his decision right?

Mr D. L. SMITH: No, it does not necessarily mean that the decision was right. However, the Attorney has gone to great pains to show that the decision was his alone.

Mr MacKinnon: If he is right, why does he not table the documents that persuaded him to reach his decision?

Mr D. L. SMITH: Those other documents played almost no part in his decision-making process.

Several members interjected.

Mr D. L. SMITH: In the end result, the Opposition is saying that had the decision been in its hands, it would have come to a different conclusion. That is the substance of the issue on which the Attorney has been asked to resign. If some members of the Opposition had been asked to make a decision they would have reached a different conclusion.

Often it is correctly said in the House that there is no part for politicians to play in the enforcement of the law and that in terms of police conduct, if the police decided to lay a charge, there should be no direction from the Minister for Police and Emergency Services that that charge be withdrawn; it is purely a decision for the police. If the case goes to court and the court decides that there is a case to answer, the person concerned should be committed for trial. There is no role for a Government, as a Government, to intervene to stop a charge proceeding at that stage.

However, from that point on the Opposition appears to be in some sort of confusion and it fails to recognise that in the Attorney General there is a combination of roles. He is not just a politician; he is the person representing the Crown in a prosecution, and it is not uncommon for him to enter a *nolle* after the police have laid a charge or after a magistrate has committed a person to trial.

An Attorney General must decide—this would be one of the factors which would play heavily on an Attorney's mind—whether to indict. I would suggest that if members opposite want an example of that, some of them should go to the library after tea if they do not opt to go to the bar beforehand.

Withdrawal of Remark

Mr MacKINNON: I take offence at the remark made by the member for Mitchell that members on this side go to the bar. I ask him to withdraw that statement.

Mr BLAIKIE: On the same point of order, Mr Deputy Speaker, I take exception at what the member for Mitchell said. He insinuated that I also go to the bar.

Mr BATEMAN: On a further point of order, Mr Deputy Speaker, I think it would be great to go to the bar after this!

The DEPUTY SPEAKER: In respect of the first two points of order which were raised, and

without relevance to the last point of order raised, it was my understanding that the member for Mitchell had said to the Deputy Leader of the Opposition that he should go the library after tea if he did not go to the bar beforehand.

I really cannot see, in respect of the member for Vasse, how he can take exception to the statement. I do not think it had any relevance; and I rule his point of order out of order.

In respect of the Deputy Leader of the Opposition's point of order, he well knows that if he takes exception to something which is said in this House he can, and it is his right, rise in this place and ask for the remark to be withdrawn.

If after I resume my seat the Deputy Leader of the Opposition again asks for the statement to be withdrawn, I will direct the member for Mitchell to do so. However, I want to caution members, and particularly in this instance the Deputy Leader of the Opposition, that we could reach a ridiculous state of affairs if members, while making a speech, are requested to withdraw statements such as that just made by the member for Mitchell.

Mr MacKINNON: I do not mind members opposite criticising me at any time if their criticism is well-founded in this case it is not. I ask the member for Mitchell to withdraw the remark in reference to myself.

Mr D. L. SMITH: If the member opposite finds my remark derogatory, I withdraw it.

Debate (on motion) Resumed

Mr D. L. SMITH: I simply recommend that if some members opposite go to the library, they will be able to read the text which governs the decision to prosecute and the authorities in relation to whether or not a case should be subject to a *nolle*. I have taken the trouble to do so and I have taken the trouble to read, in detail, the advice given to the Attorney General by the chief legal officer of this State. I have also taken the trouble to read the Attorney's statement. As a lawyer I have absolutely no criticism of the Attorney in the decision he has made, and I believe he has weighed up all the factors in the correct manner and has given the correct decision. I think members opposite know that.

With the passage of time and the proper consideration of these matters, together with the advice it receives from its legal officers, the Opposition will be made aware that the Attorney General acted quite properly and correctly and came to the correct decision.

The only reason we have had to go through this charade in this debate is because members opposite know that they have to grab headlines. They know that there is some political mileage in the issue for them if they can distort sufficiently the truth of the situation, and if they can deflect some of these issues to other people. However, when they get the proper advice, they will come to realise that the proper decision was made by the Attorney, and there is no justification for the call that has been made both today and the day before yesterday.

The substance of the issue which has been debated today is whether the Attorney should have tabled the advice that he received from the Crown Prosecutor. Last night the Attorney said quite clearly that that advice was given to the Solicitor General and not to the Attorney, but, being a man of integrity, when he was asked directly whether that advice had been received, he informed the other House what that advice was. That is so typical of the Attorney.

Remarks were made about the Attorney being white with emotion. That would probably be true, not because the man is under any pressure from what has been said by the other side, but because Hon. Joe Berinson is very much his own man. He does not play any cameo roles; he does not play the political game. He comes to decisions properly, and he bears his own responsibility for them. The only reason he would be white with emotion was because he was still reflecting on every word that he said, and listening to see whether there was something in what others had said to show that his decision was wrong.

Having looked at the authorities, and having looked at the explanations and the advice, there is no criticism that can be made of the Attorney in relation to his integrity or judgment, or even in relation to the decision to which he came. If one cannot attack a Minister's integrity or judgment, or ultimately the decision to which he has come, there is no substance in the motions and stupid calls from the Opposition that he should resign.

If the Attorney were to resign, this State would lose the best Attorney it has ever had.

Several members interjected.

Mr D. L. SMITH: If any member opposite feels that what I say is wrong, I suggest that that member talks to the rank and file of the legal profession, the rank and file of the Crown Law Department, and every other person associated with the law in this State. It is noteworthy that not one member of the Opposition has come before this House with any legal opinion, to be tabled or otherwise, which would in some way support their views.

The Attorney has more integrity than any individual on either side of either House. He is an exemplary Minister and member of Parliament, and an exemplary Attorney. I hope he continues to be the Attorney for many years to come.

MR BRIAN BURKE (Balga—Premier) [5.13 p.m.]: The member for Mitchell has very eloquently answered all of the substantive points—and there were few of them—raised by the Opposition. I will simply touch upon the main points of the Opposition's motion, which deals with the Crown Prosecutor's advice and the allegation that there was reluctance on the part of the Attorney General to reveal the Crown Prosecutor's advice and that, somehow or other, he was intent on covering up the advice that was received from the Crown Prosecutor, not by the Attorney General, but by the Solicitor General.

Yesterday the Leader of the Opposition asked me whether I would take up with the Attorney General the question of tabling the Crown Prosecutor's advice. I indicated to the Leader of the Opposition that I would. Of course, I suspect that even at that time the Leader of the Opposition knew that the Attorney General had already responded to the request that he table the advice from the Crown Prosecutor. Remember that this is advice, not to the Attorney General, but to the Solicitor General; and the Solicitor General's advice comes to the Attorney General subsuming the advice of such people as the Crown Prosecutor.

Let us hear what the Attorney General had to say in the Legislative Council yesterday. With your indulgence, Mr Speaker, and for the information of members, I will refer to the transcript. In reply to this specific question raised, I suspect, well before the Leader of the Opposition asked the question, the Attorney General said—

> I have been asked specifically today whether the Crown Prosecutor offered an opinion on this question. He did. His view was that, a prima facie case having been established and the committal made, the case should proceed.
>
> The House should please note that the Crown Prosecutor's advice was considered by me but was not directed to me. In the normal course of events it was directed to the Solicitor General and was taken into account by the Solicitor General when he prepared his own opinion on rather broader grounds. It is the Solicitor General who is the senior legal adviser to the Crown in this State, and as I indicated in my statement last Thursday it is my invariable practice to seek his opinion in such matters. With no disrespect to the Crown Prosecutor, his views were simply overtaken by the Solicitor General's advice.

Now, where is the attempt by the Attorney General to keep from the knowledge of the Legislative Council the advice of the Crown Prosecutor? Before the Opposition in this place framed its motion, the Attorney General informed the Council—

Mr MacKinnon: He was asked a direct question.

Mr BRIAN BURKE: Of course, and he answered the question.

Mr MacKinnon: Why did he not make it clear last Thursday?

Mr BRIAN BURKE: Because I was not aware of the fact that he had been asked a question.

Mr MacKinnon: Why did not the Attorney General make it clear last Thursday?

Mr BRIAN BURKE: I suppose there are lots of things that the Attorney did not refer to; but on the first occasion that he was asked about the opinion of the Crown Prosecutor, he did not try to hide anything. He told the Council what the opinion was, and he pointed out to the Council that the opinion was advice, not to the Attorney General, but to the Solicitor General; and that the advice was subsumed by subsequent advice to the Solicitor General. There has been no attempt to deny what the Crown Prosecutor said in his advice to the Solicitor General; but that was advice taken into account by the Crown Prosecutor in tendering advice to the Attorney General. That was one of the bases on which the Solicitor General framed the advice that he gave to his Attorney.

There was no attempt by the Attorney General to deny the advice of the Crown Prosecutor. Rather, before the Opposition in this House had framed its motion or asked the question about that advice, the Attorney General had already told his colleagues in the Legislative Council what his advice was. So, where is the attempt by the Attorney not to tell the Parliament what the advice of the Crown Prosecutor was?

Let me touch briefly upon the matters traversed by some of the speakers today. I suppose the hoariest chestnut of the lot is the one that says the Attorney General should not have done what he did, and at the same time the Premier and the Cabinet—the Government—should not have imposed the decision upon the Attorney General. The best answer to that is simply a look at the proposition. On the one hand, the Premier and other Ministers are accused of trying to influence the Attorney General; and on the other hand they

are accused, having tried to influence him, of having done the wrong thing.

What the Opposition really says is that the Attorney General should have been directed not to enter a *nólle prosequi.* The Opposition says that the Attorney General has taken the axe to the legal system; the Attorney General has undermined the system of justice; the Attorney General has somehow or other shattered the confidence of the public in the legal system.

In addition to saying those things, the Opposition claims that, on the one hand, the Premier has untruthfully denied knowing about the matter, has denied that the matter was discussed by Cabinet, and all of those things, but, on the other hand, it attempts to say that there should not be any interference with the Attorney's decision unless there is interference to direct him not to enter a *nolle.* The Opposition cannot have it both ways. It cannot maintain that the Attorney General should be free to exercise his own discretion while at the same time saying it disagrees with that discretion and its exercise and the Attorney General should have been directed not to exercise it.

If the Opposition intends to accede to the Attorney General's belief, as we do, that he should be free to exercise his discretion untrammelled and uninstructed, it cannot in the next breath claim that he should be instructed not to enter a *nolle.* If the Opposition does that it can, at the very least, be accused of arguing illogically or, alternatively, of arguing dishonestly.

I shall touch briefly on the comments made by the member for Nedlands. I do not know how we shall cope with this problem. I suspect the member for Nedlands has learnt something from this matter. However, I ask members to cast back their minds to what occurred yesterday. Obviously I quoted what appeared in the newspaper because I knew it was not *Hansard* and I asked the member whether he retracted any of the statements in the report that I read. He then said that he retracted none of them.

I read the newspaper report to the member for Nedlands again, because I knew it was not *Hansard* and it was not for me to say that the newspaper report was accurate, because I was not in the Chamber when the member made the allegations. In any case, I again read the newspaper report to the member and the member said again, "I do not retract a word of it".

That is what the member said. I would not be so silly as to let someone twice read out a statement in my words and say—

Several members interjected.

The SPEAKER: Order! I am not sure whether the member for Nedlands was in the Chamber when the Deputy Leader of the Opposition was making his speech, but if he was, he would have been aware that the Deputy Leader of the Opposition made his remarks almost in silence and was given the courtesy of not being interjected upon. I ask the member for Nedlands to extend the same courtesy to the Premier.

Point of Order

Mr MacKINNON: With extreme respect, Sir, could I remind you of what happened when the member for Gascoyne was speaking? It seems to me that, in this Parliament, if the member who is speaking, as the Deputy Speaker said, invites the criticism being levelled at him and the Opposition or Government member chooses to respond, that is fair game. In this instance I would say, with respect, that is what is occurring.

The SPEAKER: Order! I remind the Deputy Leader of the Opposition that under Standing Orders interjections are highly disorderly.

Debate (on motion) Resumed

Mr BRIAN BURKE: Let me simply restate the situation: I read the newspaper report not once but twice, because it was not *Hansard.* On each occasion I asked the member for Nedlands whether he retracted the statement and he said, "No". Then I read to him Mr Leishman's comments in which he said he did not speak to me. I took exception to the statements reportedly made by the member for Nedlands that Mr Leishman had spoken to me and that I had told him to pay the money that was allegedly owing so that the bans could be lifted. I did not speak to Mr Leishman about the matter and that is why I took the member for Nedlands to task. If he has an argument with the report of the statements he made in the Parliament, he should have had that argument when I read the reports to him and he should have retracted some or all of those reports if he believed they were not true.

Point of Order

Mr COURT: I believe that the Premier is misrepresenting what took place and I had no opportunity last night to refute the allegations he made during question time.

The SPEAKER: That is not a point of order.

Debate (on motion) Resumed

Mr BRIAN BURKE: I leave it at that except to say once again that at no time did I say I had never met Mr Leishman. In fact yesterday I said I had met Mr Leishman at the hospital and at the

time I met him I told the member for Greenough—

Mr Peter Jones: You interjected in my speech and said you had never met him. You were in America.

Mr BRIAN BURKE: I did not. I said I had never spoken to him about that matter.

Mr Peter Jones: No, that is not true. You said you were in America.

Mr BRIAN BURKE: I said I was in America at the time the member for Nedlands said Mr Leishman contacted me.

Mr Peter Jones: And that proved to be false.

Mr BRIAN BURKE: I will be the first to admit he rang me about five days after my return.

Mr Peter Jones: So don't say you didn't say it, because you did say it in my speech and subsequently had to correct it.

Mr BRIAN BURKE: Yesterday I said that I met Mr Leishman in the hospital. However, let me just say, because although I admit the member for Nedlands did not go on to say it—I suspect because the member for Nedlands initially misquoted the member for Greenough that he, the member for Greenough, would not support him—

Mr Old: Come on!

Several members interjected.

Mr BRIAN BURKE: The member for Nedlands looked as though he was going to say it. I am just making sure that everyone knows that when I met Mr Leishman in the hospital in, I think, July or August, it was well after the time any of the things which the member for Nedlands claimed I said to him had been said. I just wanted to put that on the record.

If members want my opinion on the matter, there is some hope for the member for Nedlands. To some extent he has been rocked by what has happened.

Mr Old: You don't really think that, do you?

Mr BRIAN BURKE: I do.

Mr Old: We don't.

Mr MacKinnon: You had better think again.

Mr BRIAN BURKE: I would think the member for Nedlands has been upset by the experience in the same way as I was upset to read in the newspapers that he was claiming I had spoken to Mr Leishman when I knew I had not. I guess that is something from which everyone can profit.

In any case, as far as this censure motion is concerned, it is founded on a wrong premise and that premise is that the Attorney General has attempted to conceal the Crown Prosecutor's advice. It was not advice to him, but rather was advice to the Solicitor General, so that premise is not correct. The Attorney General has told the members of the Legislative Council that the Crown Prosecutor did not advise that the *nolle* should be entered and, in his own words, the Crown Prosecutor said that, because there was a prima facie case, the indictment should proceed. The Attorney General said that last night in the Legislative Council well before this motion was moved by the Opposition today.

I turn now to the other matter which is the representations received by the Attorney General from all of those bodies which were variously listed, with changing personnel from time to time, it is true, as people from whom representations had been received.

The Attorney simply said that there was no compulsion on him to do more than respect the confidentiality of people who wrote to him about legal matters. There is nothing untrue about that. People who write to the Attorney General, whether they are union people or employers, have the right to the confidentiality involved in the Attorney General's not tabling their advice.

At the same time, no-one can be under any misapprehension as to the representations which would have been received. As I said, the Attorney General has indicated already that he received representations. I can tell members that at one meeting at which I was present it was necessary for me in no uncertain terms to take the members of a union delegation to task for the representations and the propositions that they were putting. I told them quite clearly, as I have told this House, that there was no role for the Government to play in the matter. They left without much satisfaction simply because they had been told quite directly that their representations were being rejected and in fact were not going to result in the actions that they had requested be taken.

Mr Peter Jones: They won in the end though, didn't they?

Mr BRIAN BURKE: I suppose if we put it that way, what about a situation in which the right thing would be to try to divorce ourselves from the prejudice and imagine a situation in which we agree that a *nolle* should have been entered. If, on the basis of Mr O'Connor's being a unionist, that action was not taken and that discretion was not exercised, that would have been a blatant unfairness to Mr O'Connor.

Mr MacKinnon: What is unfair about going to the courts?

Mr BRIAN BURKE: The *nolle* is part of the due legal process. The *nolle* is part of the ordinary

judicial or legal process, and its use is justified on grounds that persuade the Attorney General to exercise his discretion. As I say, had the Attorney General not exercised his discretion or been instructed not to exercise his discretion by the Government or by the Premier, then there would have been unfair interference in the process, leaving aside the legal fact of life that the Attorney General is not able to be directed as to the use of the *nolle*. He has the ability to consult, if he chooses to use it, but leaving that aside, there is no basis for the undue interference or unwarranted direction of the Attorney General in this matter. None was given, none was made. The Attorney General made up his mind, exercised his discretion, and informed his Premier of his intentions.

I think it is also appropriate to ask why it is that the Opposition, baying as it was for this motion to be discussed, manages then, having persuaded the Government to discuss the motion, to be represented by so few members at most times during the debate. In addition to that, the Leader of the Opposition, who knew the debate would be on, did not bother to participate.

Several members interjected.

Mr BRIAN BURKE: It is true we have been hearing for the past week that there is nothing more important in the world than this particular matter; that it is clogging the wheels of justice; shattering the confidence of the public in the legal and judicial system, and is absolutely destroying the Government's chances of re-election. When he realised this, as an assiduous Leader of the Opposition, what did he do? He went to the Eastern States.

Several members interjected.

The SPEAKER: Order! Order!

Mr BRIAN BURKE: The Leader of the Opposition has not even bothered to stay for the debate.

Several members interjected.

Mr BRIAN BURKE: Well, the Leader of the Opposition has stayed for the debate! He is just not here. He cannot stay and not stay at the same time.

Several members interjected.

Mr BRIAN BURKE: He either stayed or did not stay.

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: We have had trotted out the same sorts of things that were said in the debate on Tuesday; an unwarranted attack on the Leader of the House who pointed out quite simply that there had been six hours debate on Tuesday about a motion that allowed the Leader of the Opposition to stand up and read out his motion. He did that. The next day there was debate about the Speaker's ruling, and a dissent that was moved to it, and another debate to seek the suspension of Standing Orders.

Once again the Deputy Leader of the Opposition does not understand that private members' time is not the Opposition's time, it is the Parliament's time.

So on Tuesday there was debate, on Wednesday there was debate and today we have allowed about 2½ hours for debate. This matter has been debated on every single day, as well as taking up a great deal of question time, and somehow the Opposition has fixed in its mind that question time these days is part of the Government's business and that question time is a time when the Opposition is put at a disadvantage.

That has never been my understanding, yet the Opposition has in its mind that question time is the time they should avoid, because somehow or other the Government obtains an unfair advantage at question time. That has never been the practice in this House. The Opposition can ask whatever questions it likes, and it gets the answers it deserves. If the answers do not suit, then I would suggest that the Opposition should adjust the questions, and not blame the answers.

In summary let me simply repeat that the Attorney General has the confidence of the Government, and he will in a few minutes' time be demonstrated to have the confidence of this House. He is a man of undoubted integrity; he is a man beyond reproach, respected by all his peers, both in the legal and parliamentary circles in which he moves. He is a man who commands such respect that the former Attorney General, Hon. Ian Medcalf, did not enter the debate.

Several members interjected.

Mr BRIAN BURKE: He did not enter the debate in the Parliament that sought to censure Hon. Joe Berinson. The Government's view is quite simply this: The Attorney General has made a decision to exercise his discretion without, as he is perfectly free to do, consulting and certainly without accepting direction. Having made that decision, he has entered the *nolle* and based his decision on the advice received from the Solicitor General. That advice took into account advice received from the Crown Prosecutor, advice which was detailed by the Attorney General in the Parliament, prior to the moving of this motion.

The Attorney General has not sought to skirt the advice; he has not sought to misrepresent it, he

has said quite plainly that the advice recommended that the indictment be proceeded with.

It is worth noting that that advice was not to the Attorney General; it was to the Solicitor General. The Solicitor General's subsequent advice to the Attorney General subsumes the advice to the Crown Prosecutor and is based much more broadly than was the advice to the Crown Prosecutor.

In respect of the other part of the motion, anyone who writes to the Attorney General, whether the person be an employer or employee, a unionist or a non-unionist, a Liberal Party person, or a Labor Party person, has the right to expect that the correspondence he sends to the Attorney General is confidential and will be respected. There is nothing as elementary as extending that courtesy to correspondence.

The Government supports completely the action of the Attorney General.

House to Divide

Mr GORDON HILL: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes 24

Mr Barnett	Mr Hodge
Mr Bateman	Mr Hughes
Mrs Beggs	Mr Jamieson
Mr Bertram	Mr McIver
Mrs Buchanan	Mr Parker
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr Tonkin
Mr Carr	Mr Troy
Mr Davies	Mrs Watkins
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill

(Teller)

Noes 16

Mr Blaikie	Mr Laurance
Mr Bradshaw	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Old
Mr Coyne	Mr Rushton
Mr Crane	Mr Spriggs
Mr Grayden	Mr Trethowan
Mr Peter Jones	Mr Williams

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Hassell
Mr Pearce	Mr McNee
Mr Tom Jones	Mr Tubby
Mr P. J. Smith	Mr Watt
Mr Bridge	Mr Cash

Motion thus passed.

Debate (on censure motion) Resumed

Question put and a division taken with the following result—

Ayes 16

Mr Blaikie	Mr Laurance
Mr Bradshaw	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Old
Mr Coyne	Mr Rushton
Mr Crane	Mr Spriggs
Mr Grayden	Mr Trethowan
Mr Peter Jones	Mr Williams

(Teller)

Noes 24

Mr Barnett	Mr Hodge
Mr Bateman	Mr Hughes
Mrs Beggs	Mr Jamieson
Mr Bertram	Mr McIver
Mrs Buchanan	Mr Parker
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr Tonkin
Mr Carr	Mr Troy
Mr Davies	Mrs Watkins
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill

(Teller)

Pairs

Ayes	Noes
Mr Hassell	Mr Taylor
Mr McNee	Mr Pearce
Mr Tubby	Mr Tom Jones
Mr Watt	Mr P. J. Smith
Mr Cash	Mr Bridge

Question thus negatived.

Motion defeated.

DENTAL PROSTHETISTS BILL

Council's Further Message

Message from the Council received and read notifying that it had agreed to the Assembly's request for a Conference of Managers, that the Conference of Managers be held on Wednesday, 13 March 1985 at 9.30 a.m. in Parliament House, and that the Managers from the Council be Hon. John Williams, Hon. P. H. Wells, and Hon. Lyla Elliott.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS: RULES

Council's Resolution

Message from the Council received and read requesting the Assembly's concurrence in the following resolution—

That the proposed Parliamentary Commissioner Rules 1985 be adopted and agreed to.

[Questions taken.]

[During questions the member for Katanning-Roe (Mr Old) was suspended from the service of the House.]

(See page 752)

House adjourned at 5.59 p.m.

QUESTIONS ON NOTICE

ALUMINIUM SMELTER

Reports: Public Consideration

2477. Mr PETER JONES, to the Premier:

Is it still intended that all reports, energy tariff arrangements, cost benefit analyses, and other relevant information and details upon which the Government makes decisions relating to the proposed aluminium smelter, will be made available for public consideration?

Mr BRIAN BURKE replied:

The member for Narrogin is referred to responses to questions 1724 and 1917. Relevant information will be made public once an appropriate stage of the negotiations has been reached. Prudent commercial practice will be observed with respect to commercially confidential details.

ALUMINIUM SMELTER: EQUITY

Assessment: Completion

2478. Mr PETER JONES, to the Premier:

(1) When is the assessment and review of the investment potential and the commercial risks associated with taking equity participation in the proposed aluminium smelter expected to be completed?

(2) Who is undertaking this review and assessment for the Government?

(3) Is it intended that the findings and recommendations will be presented to Cabinet for consideration and decision?

Mr BRIAN BURKE replied:

(1) to (3) The member is referred to the reply to question 2333 of 27 February 1985.

ALUMINIUM SMELTER: CONSORTIUM

Members

2479. Mr PETER JONES, to the Premier:

Who are the members of the consortium referred to in part (4) of his reply to question 2333 on Wednesday, 27 February 1985, concerning establishment of an aluminium smelter in Western Australia?

Mr BRIAN BURKE replied:

The consortium is intended to be constituted by the following parties:

A Korean entity to be approved by the Government of the Republic of Korea.

Griffin Aluminium Pty Ltd.

Reynolds Australia Aluminium Ltd.

The State of Western Australia represented by the Western Australian Development Corporation.

ALUMINIUM SMELTER: EQUITY

Inquiries: Western Australian Development Corporation

2480. Mr PETER JONES, to the Premier:

When did the Government ask the Western Australian Development Corporation to undertake inquiries and negotiations leading to the taking of an equity participation in the proposed aluminium smelter?

Mr BRIAN BURKE replied:

Although the matter has been under active consideration for some time, the Corporation was formally invited to consider undertaking investigations and negotiations in January, 1985.

ALUMINIUM SMELTER

Reports: Public Consideration

2483. Mr PETER JONES, to the Premier:

Adverting to his reply to question 2349 of 1985, concerning land use at Kemerton for an aluminium smelter site, am I to assume from the reply that all reports, and the results of matters which are proceeding, will in due course be released for public consideration?

Mr BRIAN BURKE replied:

Relevant information will be made public at appropriate stages. Prudent commercial practice will be observed with respect to commercially confidential details.

2503. *Postponed.*

WATER RESOURCES: CONSUMPTION

Allowance: Reduction

2509. Mr MENSAROS, to the Minister for Water Resources:

What is the reason for not giving wider publicity and general explanation to the amendment to the Metropolitan Water Authority (rates and charges) by-laws which came into operation on 15 January 1985, reducing the gratis water allowance of non-residential properties from 20 per cent to 10 per cent?

Mr TONKIN replied:

I welcome this opportunity to give wider publicity to my Government's important initiatives in moving progressively to a fairer system of charging for water rates on non-residential properties and providing very significant relief to the small business sector.

Significant moves have been made towards "user pays" for water rates in the business/commercial sector, through the progressive reduction in water allowances with offsetting real reductions in the amount of rates payable.

This shift toward a pay-for-use system is consistent with our Government's policy on this matter. The approach adopted so far shifts the emphasis towards those who use large quantities of water in relation to the previous water allowance.

In my first year as Minister for Water Resources the pro rata allowance was reduced from 100% to 50% for the 1983/84 consumption year. In return, all business/commercial properties received a real terms reduction of about 12% in their water rates for the 1983/84 rating year.

For the 1984/85 consumption year, the pro rata water allowance was again reduced this time from 50% to 20%. To offset this, a further real terms reduction of about 12% was given in the water rates for the 1984/85 rating year.

The cumulative real terms reduction in the rates for water (only) over the last two years on business/commercial properties is therefore almost 25%.

It is estimated that for 1984/85 approximately 75% of business/commercial properties have received the full benefit of this 25% real reduction in water rates, and about 85% will be paying less in total water rates and water usage charges than they would have, under the old system. This is already quite a significant achievement and has been generally well received.

Now, for the 1985/86 consumption year, the pro rata water allowance has been reduced to 10% and this should allow a further significant real terms reduction in water rates.

As in previous years the Authority has given notice of this change, by letter, to the owner of each metered non-residential rateable property in the metropolitan area.

As additional non-residential properties are scheduled for metering, the same notice is given, and in most cases personal contact is made with the owner/occupier to advise of the intended meter installation and to explain the tariff structure, if necessary.

Although wider publicity could be given I am satisfied that the owner of each affected property has been given timely and sufficient advice of this further step taken towards greater "pay for use".

2518 and 2521. *Postponed.*

GOVERNMENT BUILDINGS: PERTH TECHNICAL COLLEGE

Redevelopment: Applications

2522. Mr MENSAROS, to the Premier:

(1) Which are the principles guiding the Government in drawing up short lists of applicants interested in developing the Perth Technical College site and participating in the Perth Mint project?

(2) Which is the department and/or instrumentality, and who are the persons who make the recommendations to the Government about the short lists?

Mr BRIAN BURKE replied:

(1) The member is advised that the Government itself is not directly involved with the evaluation and shortlisting of proposals by the interested parties concerned.

The tender arrangements adopted in the redevelopment of both the Perth Technical College Property and the Perth Mint are predicated upon three fundamental principles, firstly, that the successful proposal must substantially improve the financial returns to the State from each asset; secondly, that the redevelopment generates significant business opportunities for the private sector; and thirdly, that all interested parties have the opportunity to submit proposals for consideration on an equitable basis.

(2) Western Australian Development Corporation and in particular, the Board of Directors of WADC.

ATTORNEY GENERAL

O'Connor Case: Cabinet Consultation

2523. Mr MENSAROS, to the Minister representing the Attorney General:

In view of the Premier's statement last year to the effect that the Government has nothing to do with the normal course of justice in the O'Connor case, why did the Attorney General not consult the Premier or Cabinet before making a decision?

Mr GRILL replied:

The decision was a personal one for the Attorney General and made in accordance with the professional duties of that office.

ATTORNEY GENERAL

O'Connor Case: Personal Decision

2524. Mr MENSAROS, to the Minister representing the Attorney General:

Had the Attorney General initiated to make a personal discretional decision about the indictment of John O'Connor or was the case submitted to him by his officers requesting him personally to make a decision?

Mr GRILL replied:

The matter was one of notorious public interest, and the Attorney General requested the advice of the Solicitor General.

2525. *Postponed.*

MR J. J. O'CONNOR: CHARGE

Indictment: Reconsideration

2526. Mr MENSAROS, to the Minister representing the Attorney General:

In the light of concentrated criticism of virtually every organisation other than the Trades and Labor Council of the Attorney General's decision to issue an indictment against John O'Connor, has the Government reconsidered the matter with the view of letting the courts decide, or is it determined to continue supporting the Attorney General's decision?

Mr GRILL replied:

The entering of the Attorney General's *nolle prosequi* has the effect that the Crown will take no further action in the matter.

JUSTICES OF THE PEACE: APPOINTMENTS

Electorates: Liberal Members

2527. Mr MENSAROS, to the Minister representing the Attorney General:

Would the Attorney General please explain the reason why only 28.6 per cent of the newly appointed Justices of the Peace (see *Government Gazette*, 8 February 1985, where ten out of the total of 35 Justices of the Peace come from Liberal electorates) live in electorates represented by Liberal Members of the Legislative Assembly, whereas the

Liberal members represent 42.6 per cent of the total electoral districts?

Mr GRILL replied:

The appointment of Justices of the Peace is based on a number of criteria, in particular, a demonstrated need for service in a particular area.

2528. *Postponed.*

LAND: PURCHASE

Aluminium Smelter Site: Mr Ian Offer

2533. Mr BRADSHAW, to the Minister for Works:

(1) Does he intend to purchase land on the corner of Wellesley Road and Wellington Road belonging to Mr Ian Offer near the proposed smelter site at Kemerton/Parkfield?

(2) If so, when?

Mr McIVER replied:

(1) and (2) A final decision has not yet been made on this matter.

2535. *Postponed.*

GRAIN: LUPINS

Protein Crop Research Fund: Levies

2536. Mr OLD, to the Minister for Agriculture:

(1) Is it proposed that research levies on lupins is to be pooled in a national protein crop research fund?

(2) If 'Yes", what assurance can be given that the money raised by Western Australian lupin growers will be matched by Commonwealth funds and allocated for research by a Western Australian committee?

Mr EVANS replied:

(1) Yes.

(2) It is intended that grower funds be matched by the Commonwealth and the pooled funds distributed by a national committee. This arrangement was agreed in negotiation between the Commonwealth and the Primary Industry Association and the Australian Wheatgrowers Federation. I am taking the matter up with the Commonwealth Minister for Primary Industry.

2537. *Postponed.*

MEDIA SERVICE: GOVERNMENT

Functions

2538. Mr WATT, to the Premier:

(1) What are the functions of the Government Media Service?

(2) How many people are employed in the service?

(3) Is the service available to any of the following—

(a) public servants;

(b) Ministers;

(c) Ministerial advisers;

(d) Government members of Parliament;

(e) Opposition members of Parliament, or

(f) the public?

(4) Could the service be provided at less cost to the taxpayers of the State by an existing Government agency such as the State Library Board?

Mr BRIAN BURKE replied:

(1) I presume the member is referring to the Government Media Office?

The functions of the Government Media Office are similar to those undertaken by Press Secretaries under previous administrations; i.e. provision of news and feature material for media organisations.

(2) See answer to question No. 2502.

(3) Answered by (1).

(4) I am not aware that the State Library Board employs journalists.

2539. *Postponed.*

HORTICULTURE: FLOWER GROWING

Report: Publication

2540. Mr SPRIGGS, to the Premier:

(1) Will he make public a report prepared last year by Mr Philip Watkins on the potential for Western Australia's floricultural industry?

(2) If "Yes", when will it be released?

(3) If not, why not?

Mr BRIAN BURKE replied:

(1) The report by Mr Philip Watkins on the position and potential of the floricultural industry was made public in June 1984.

(2) Not applicable.

(3) Not applicable.

TOURISM: TOURIST ASSOCIATIONS

Regional: Grants

2541. Mr MacKINNON, to the Minister representing the Minister for Tourism:

What was each individual amount granted to regional tourist associations by the Government during the years ending—

(a) 1982;

(b) 1983;

(c) 1984; and

(d) to date in 1985?

Mr BRIAN BURKE replied:

Regional Travel Associations	(a) 1981/82	(b) 1982/83	(c) 1983/84	(d) 1984/85 (to date)
	$	$	$	$
Midlands		2 000	5 000	7 000
Mid West			5 000	7 000
Kimberley	2 000	2 000	5 000	7 000
Great Southern	2 000	2 000	5 000	7 000
South West	2 000	2 000	5 000	7 000
Pilbara		2 000	5 000	7 000
Central South	2 000	2 000	5 000	7 000
Gascoyne	2 000	2 000	5 000	7 000
Goldfields	2 000	2 000	5 000	7 000
	12 000	16 000	45 000	63 000

WATER RESOURCES: RURAL WATER SUPPLY

Policy Document

2542. Mr CRANE, to the Minister for Water Resources:

(1) Further to question 2341 of 27 February, as the delay in the release of the Rural Water Supply Policy Document is pending further financial considerations, what are these further financial considerations?

(2) Will such considerations allow the release of the Rural Water Supply Document within—

(a) one month;

(b) two months;

(c) three months;

(d) six months;

(e) sometime this year;

(f) an indefinite period?

Mr TONKIN replied:

(1) The impact of the various options on both State finances and consumers.

(2) It is not possible to be precise about the time of the release of the document until the financial study is further advanced.

2543 to 2546. *Postponed.*

TRADE: EXIM CORPORATION

Directors: Conflicts of Interest

2547. Mr PETER JONES, to the Premier:

(1) In considering the appointment of directors to the EXIM Corporation, what consideration was given by the Government to existing, or potential, conflicts of interest?

(2) What qualifications, competence and capacities recommended Mr David Hatt for appointment to the board of the EXIM Corporation?

Mr BRIAN BURKE replied:

(1) The considerations normally given by the business community to the appointment of directors.

(2) Those qualities appropriate for the position.

SELTRUST HOLDINGS LTD.

Western Australian Development Corporation: Involvement

2548. Mr PETER JONES, to the Premier:

(1) With regard to the recent assessment of the position of Seltrust Holdings by the Western Australian Development Corporation, did he at any time directly ap-

proach BP Australia regarding the possible involvement of the State Government or the Western Australian Development Corporation in resolving the problems being experienced by Seltrust Holdings?

(2) Did he seek to have the shareholders' meeting scheduled for 28 February 1985, delayed for a short period?

Mr BRIAN BURKE replied:

(1) On 16 January I advised BP by telex that the Government of Western Australia stood ready to use its best endeavours to assist in overcoming the difficulties and uncertainty that beset Seltrust Holdings Ltd. so that the liquidation of the company might be avoided.

(2) No.

2549 to 2551. *Postponed.*

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Reservations

2552. Mr PETER JONES, to the Premier:

(1) Is he aware of recent reservations expressed by the Western Australian Chamber of Mines regarding Federal and State Aboriginal Land Rights legislation?

(2) Has he, or any other representative from the Government discussed with the Chamber of Mines its issued statement expressing concern at some aspects of the various Aboriginal Land Rights proposals?

(3) Does he consider that any concerns expressed by the Western Australian Chamber of Mines are groundless?

Mr BRIAN BURKE replied:

(1) to (3) The WA Chamber of Mines has participated in the drafting of the proposed WA Aboriginal Land Legislation. Various concerns of the chamber, and of other groups, have been raised and discussed with me, including those connected with proposals that have been made by the Federal Government on this issue.

All area of concern have been addressed and as far as possible accommodated. However no legislation does, nor can it, propose to accommodate every concern raised.

2553 to 2556. *Postponed.*

TRANSPORT: ROAD

Livestock: Height Limits

2557. Mr PETER JONES, to the Minster for Transport:

(1) With regard to the road transport of livestock within Western Australia, what height limits apply to livestock road trains?

(2) What weight limits apply to livestock road trains?

(3) What methods are utilised by the Transport Commission and the Police Department to enforce the various gazetted limits?

(4) Does the Government consider that the present limitations of height, width and weight of livestock loads are reasonable and do not constitute an unreasonable restriction on livestock cartage?

Mr GRILL replied:

(1) The regulation height limit is 4.3 metres. The Main Roads Department does issue permits to enable certain livestock carrying vehicles to operate at heights of up to 4.6 metres on standard road train routes between Perth and the north of the State and on other roads while the situation is under review.

(2) Regulation axle mass limits apply to livestock carrying road trains. However, the Main Roads Department does issue Extra Mass Permits for triaxle group loading of up to 19 tonnes and for triaxle group loading of up to 20 tonnes in the Broome, West Kimberley, Halls Creek and Wyndham-East Kimberley Shires.

(3) The dimensional limits of vehicles as pursuant to the Vehicle Standards Regulations are enforced by the Police Department.

The Vehicle Mass Limits are enforced by the Heavy Haulage Section of the Police Department.

(4) Yes. However, a current study being undertaken by the National Association of Australian State Road Authorities (NAASRA) is reviewing road vehicle limits.

ENERGY: GAS

Fremantle Gas and Coke Co. Ltd.: Takeover

2558. Mr PETER JONES, to the Minister for Minerals and Energy:

(1) With regard to the future of Fremantle Gas and Coke Company Limited, has he been kept informed as to the present situation regarding a possible takeover of the company?

(2) Has he discussed the possible takeover with any of the parties involved?

(3) Is it fact that he has given some undertaking, or reached some understanding, regarding future amendment to the Act governing the company's operations, should a takeover be successful?

(4) Has he received any advice regarding his powers under the present legislation?

Mr PARKER replied:

(1) Yes.

(2) Yes, at their request.

(3) No.

(4) Yes.

AGRICULTURE: TAX SUMMIT

Incentives: Submission

2559. Mr PETER JONES, to the Minister for Agriculture:

(1) Will he have prepared a submission for presentation to the forthcoming Taxation Summit on the deleterious effects upon agricultural production in Western Australia of removing the various incentives and allowances that have been available to primary producers?

(2) If not, why not?

(3) If he is willing to support such an initiative, will he involve the various primary producer organisations, financial advisers and other appropriate bodies in preparing such a case?

Mr EVANS replied:

(1) Yes.

(2) Not applicable.

(3) Yes.

AGRICULTURE: TAX SUMMIT

Indirect Taxes: Submission

2560. Mr PETER JONES, to the Minister for Agriculture:

(1) Will he arrange for the Department of Agriculture to prepare a case for presentation to the forthcoming Taxation Summit on the effects of indirect taxation upon farmers in Western Australia?

(2) If not, why not?

(3) If he is willing to arrange for such a submission to be prepared, will he involve the widest level of expertise?

Mr EVANS replied:

(1) Yes.

(2) Not applicable.

(3) Yes.

INDUSTRIAL RELATIONS: DISPUTE

Fremantle Waterfront: "Sunny Ocean"

2561. Mr PETER JONES, to the Minister for Transport:

(1) Was he made aware of the actions of the Maritime Worker's Union in seeking to disrupt loading operations on the vessel *Sunny Ocean* at Fremantle on 26 February 1985?

(2) Was any other notification given to Government of the disruption?

(3) If he was made aware of the situation, what action did he take to intervene in this situation?

(4) Is he aware of the additional costs involved resulting from the disruption caused by the Maritime Workers' Union in this instance?

(5) What action is he taking to avoid a repetition of the same disruption?

Mr GRILL replied:

(1) No.

(2) No.

(3) to (5) Not applicable.

2562. *Postponed.*

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Leased: Merlin Centre

2563. Mr MacKINNON, to the Premier:

(1) How much of the space leased by the Government at the Merlin Centre is currently being occupied by Government departments?

(2) Which departments are occupying this space and on what levels of the building?

Mr BRIAN BURKE replied:

(1) and (2) The space leased by the Government is now being partitioned to enable occupation by the Office of Racing and Gambling and the Mines Department.

ABORIGINAL AFFAIRS: HOUSING

Applications: Outstanding

2564. Mr MacKINNON, to the Minister for Housing:

How many applications for Aboriginal housing were outstanding in the—

(a) metropolitan;

(b) country;

(c) north-west,

regions as at 28 February 1985?

Mr WILSON replied:

Figures relating to February 28 are not yet available. The following information relates to the situation as at January 31, 1985.

Region	Number of Outstanding Applications
(a) Metropolitan	635
(b) Country	490
(c) North West	216
	1 341

2565 to 2568. *Postponed.*

POLICE

Dog Unit

2569. Mr THOMPSON, to the Minister for Police and Emergency Services:

(1) Is consideration being given to the establishment of a unit within the Police Force which would involve the use of dogs in police work?

(2) If "Yes", will he state—

(a) the breed/type of dogs to be used;

(b) the number of dogs proposed;

(c) the type of work to which dogs would be put;

(d) the estimated cost of establishing such a unit;

(e) the expected annual cost of maintaining the unit?

Mr CARR replied:

(1) and (2) No. The establishment of a Dog Unit has been researched previously and the demand does not justify the high cost involved.

TRANSPORT: METROPOLITAN TRANSPORT TRUST

Reorganisation: Southern Suburbs

2570 Mr GRAYDEN, to the Minister for Transport:

(1) Is a major reorganisation of the Metropolitan Transport Trust transport, similar to that recently effected in the northern suburbs, planned for south of the river suburbs?

(2) Has a comparable study of the Metropolitan Transport Trust transport requirements been conducted in south of the river suburbs and, if so—

(a) when;

(b) what suburbs were included in the study;

(c) what did the study disclose?

(3) If no such study has been made in south of the river suburbs, is such a study intended and, if so—

(a) When is it likely to take place;

(b) what suburbs will be included in the study?

Mr GRILL replied:

(1) to (3) Major reorganisation of MTT routes and schedules of the scale undertaken in the north-western suburbs is not a common occurrence. The speed and nature of growth in these suburbs placed a special priority on reorganisation in that part of the City. However, reassessment of MTT services, particularly in newly developing areas, is an ongoing effort at the MTT. Within the context of its 5-year development plan, significant refinements can be expected in all public transport services in Perth.

TOURISM: BUNGLE BUNGLE

Protection: Government Action

2571. Mr MacKINNON, to the Minister for the Environment:

(1) What action is the Government planning to protect the Bungle Bungle range in the immediate future?

(2) What plans does the Government have to ensure that appropriate vehicular access is available for visitors to the area during the coming tourist season?

Mr DAVIES replied:

(1) In the short term it is intended that a pamphlet, informing intending tourists of the environmental concerns and potential hazards associated with ground access to Bungle Bungle and pointing out the alternative of aerial access will be prepared and distributed to Tourism Centres, travel agents and other appropriate outlets prior to the tourist season. It is envisaged that the pamphlet would also seek the co-operation of those intending to visit the area to abide by guidelines designed to minimise environmental damage.

(2) It is not intended that vehicular access tracks are upgraded until an on-site management capability exists.

2572. *Postponed*

LAND: NATIONAL PARK

Bungle Bungle: Proposal

2573. Mr MENSAROS, to the Minister for the Environment:

(1) Has the Environmental Protection Authority examined the submission yet and reported to him on the proposal for the Bungle Bungle ranges to become a National Park?

(2) If so, what are the Environmental Protection Authority's main recommendations?

(3) If not, when is he expecting to receive the report and recommendations?

Mr DAVIES replied:

(1) No.

(2) Not applicable.

(3) At the earliest opportunity, dependent upon the availability of Departmental staff resources.

2574. *Postponed.*

WORKS: BUILDING MANAGEMENT AUTHORITY

Functions

2575. Mr MENSAROS, to the Minister for Works:

Can he please list separately—

(a) those duties/functions which were taken over from the Architectural Division of the Public Works Department by the Building Management Authority;

(b) those duties/functions which the Public Works Department Architectural Division used to perform but which were not taken over by the Building Management Authority indicating the respective bodies who did take over these functions and/or that they ceased to be Government functions?

Mr McIVER replied:

(a) and (b) The duties and functions of the Building Management Authority are currently being determined, taking into consideration the recommendations of the Functional Review Committee's report.

WORKS: BUILDING MANAGEMENT AUTHORITY

Accommodation: Dumas House

2576. Mr MENSAROS, to the Minister for Works:

Adverting to his answer to part (3) to question 2096 of 1984, concerning Building Management Authority accommodation, can he please explain what has not yet been determined considering that he stated in his answer to part (2) of that question that the Building Management Authority is not leaving Dumas House?

Mr McIVER replied:

By way of explanation, the member is advised that the Building Management Authority will be accommodated in Dumas House and Welshpool. However, the Authority will only utilise part of Dumas House with the remaining balance being allocated for other government accommodation.

At this time it still has not been determined which government department/agency will share Dumas House

with the Building Management Authority.

2577 to 2579. *Postponed.*

WATER RESOURCES: UNDERGROUND

Bore: Serpentine

2580. Mr RUSHTON, to the Minister for Water Resources:

(1) Is he aware there has been a drastic reduction in the capacity of owners water bores in the region of Summerfield Road, Serpentine, due to the heavy pumping of water by the Metropolitan Water Authority into an open drain?

(2) Why is the Metropolitan Water Authority seemingly wasting this water?

(3) Is he aware local people are short of water for stock?

(4) Will he stop the Metropolitan Water Authority pumping from this bore and evaluate the impact upon the local bores?

(5) Will he stop the Metropolitan Water Authority pumping from this bore if it is proved there is not sufficient supply above the needs of the local farmers?

Mr TONKIN replied:

(1) and (2) Acting with the advice of the Geological Survey, the Metropolitan Water Authority was pumping from the Summerfield Road exploratory bore as part of its evaluation of the deeper part of the Cockleshell Gully formation as a potential source for public water supply purposes.

The MWA received the first complaint from a bore-owner on 25 February, i.e. at the end of the period of record high temperature. About six have been received subsequently. All complaints were made verbally.

Normally at this time of the year some scheme water is released from the Dandalup Main to the Serpentine River to supply downstream riparian users.

To conserve valuable scheme water, the water pumped from the bore was channelled to the river. Therefore the water has not been wasted as it was utilised in lieu of scheme water.

(3) It was anticipated that one bore owner may be affected and alternative supply arrangements were made with him for the period of the test. The MWA will make similar arrangements for any other affected bore owner; however, none of the recent complainants indicated they had no other water source.

(4) and (5) One of the purposes of a pumping test of this nature is to find out the maximum pumping rate for the aquifer and the resulting influence pattern. Once this is established, a pump rate can be determined which has minimal influence on nearby landowners.

Pumping ceased on 6 March. However, depending on the hydrogeological information gathered to date, it may be necessary to resume pumping for another test period.

QUESTIONS WITHOUT NOTICE

MEDIA DEPARTMENT

Staff: Number

796. Mr BRIAN BURKE (Premier):

I would like to amend part (4) of my answer to question 2502 asked by the Leader of the Opposition on Wednesday, 6 March 1985. Yesterday, I stated that salaries for the Media Department were not broken out from the overall salary figure for the whole department.

I have subsequently been advised that the Budget Estimates contain a provision of $385 000 for Media Department salaries in 1984-85. I apologise for the error.

ATTORNEY GENERAL

O'Connor Case: Crown Prosecutor's Advice

797. Mr MacKINNON, to the Premier:

We have just heard in debate of the tremendous eminence of the Attorney General and respect in which he is held. I ask—

(1) How did the Attorney General leave out of his statement to the House last Thursday the very relevant and important fact that the Crown Prosecutor's advice was against the decision he made?

(2) Given that advice, will the Attorney General table that advice for the

benefit of members of Parliament and the public?

Mr BRIAN BURKE replied:

(1) and (2) I do not know how many times the Deputy Leader of the Opposition has to be told to get through his head the fact that the advice from the Crown Prosecutor was advice to the Solicitor General.

Mr MacKinnon: That does not stop him from making it public.

Mr BRIAN BURKE: Why does the Deputy Leader of the Opposition keep saying that it was advice to the Attorney General?

Mr Bradshaw: It is the same thing.

Mr BRIAN BURKE: It is not the same thing.

Mr Bradshaw: It is.

Mr BRIAN BURKE: The member for Murray-Wellington maintains that advice to the Attorney General is the same thing as advice to the Solicitor General.

Mr Bradshaw: It is.

Mr BRIAN BURKE: The member for Murray-Wellington says that it is, the Deputy Leader of the Opposition says that he is not sure, and I say that it is not.

Mr MacKinnon: That will not make any difference if he tables the document.

Mr BRIAN BURKE: The Deputy Leader of the Opposition is putting words in the member for Murray-Wellington's mouth.

Mr Bradshaw: He is saying what I am saying.

Mr BRIAN BURKE: Both members say something different. I am saying a third thing that is different. Members are wrong. Advice from the Crown Prosecutor to the Solicitor General is not the same as advice from the Crown Prosecutor to the Attorney General.

The second thing is that the Solicitor General's advice encompasses the advice received from the Crown Prosecutor. The Attorney General has already said what the advice from the Crown Prosecutor was, and the Solicitor General's advice is to the Attorney General. The Attorney General has tabled the advice of the Solicitor General.

Do members want to go back to the third, fourth, or fifth officer who might have advised the officer who advised the officer who advised the Crown Prosecutor?

Mr MacKinnon: The Crown Prosecutor is an important person.

Mr BRIAN BURKE: I am not saying he is not. His advice was to the Solicitor General. The Attorney General tabled the advice he received. That is not the advice from the Crown Prosecutor, it is the advice from the Solicitor General. The Attorney General has such integrity that he has tabled the Solicitor General's advice.

In addition to that he has informed the Legislative Council of the Crown Prosecutor's advice. The Attorney General and members of the Opposition know it; he has the respect of his profession and he has the respect of the Opposition too.

Mr MacKinnon: He used to have.

ROAD: BRIDGE

Mandurah: Deterioration

798. Mr READ, to the Minister for Transport:

(1) Has the Minister seen a front page article in the *Coastal Districts Times* of Thursday, 21 February 1985, which is headlined "Council Fears High Bridge Repair Bill"?

(2) Is there any policy of the Main Roads Department to let the Mandurah bridge deteriorate?

(3) Are there any plans currently in place with MRD to eliminate the Mandurah bridge?

(4) Can the Minister outline MRD plans for the future of the bridge?

Mr GRILL replied:

(1) Yes.

(2) and (3) No.

(4) The deck of the Mandurah Bridge will require repair and strengthening and this will be undertaken after completion of the new bridge over the Peel Inlet. The bridge structure will be closely inspected by the Main Roads Department and any necessary repairs will be carried out to ensure that the Mandurah bridge is passed over to the local authority in good condition. In the interim period the bridge will continue to be maintained by the department.

I would just like to say that the statement made in the paper was completely mischievous and without any foundation.

ABATTOIR: LINLEY VALLEY

Closure: Advice

799. Mr OLD, to the Premier:

(1) Did the management of Linley Valley Meat Pty. Ltd. contact Mr Johnston of the Department of Premier and Cabinet on Tuesday, 5 March, and advise him that unless some remedial action was taken by the Government, closure of the works was imminent?

(2) Did the Government offer to implement any action to avoid such closure?

Several members interjected.

Mr BRIAN BURKE replied:

(1) and (2) I cannot answer the question because I have not had any notice of it and I am not familiar with it.

Mr Old: Did Mr Johnston not contact you about it, though?

Mr BRIAN BURKE: I have no recollection of—

Several members interjected.

Mr Old: He went off to Linley Valley and told them the Government was not prepared to do it, and that decision cost 156 jobs this morning. Do not tell me he did not talk to you about it.

Mr BRIAN BURKE: I do not have any details about any contact between Linley Valley abattoir and Mr Johnston, who is a permanent public servant.

Mr Old: Contact him and find out, because they talked to him.

Mr BRIAN BURKE: They may have. All I am saying is that I have not had any notice of the question and I cannot confirm if he has been in touch with Mr Johnston or not. He may have been. I understand the Minister for Agriculture may have been involved.

Mr Old: The Minister for Agriculture was not even present when questions started.

The SPEAKER: Order! The member for Katanning-Roe!

Mr Old: You are back already!

The SPEAKER: Order! The member for Katanning-Roe has asked his question and the Premier is endeavouring to respond to it.

Mr Old: He is not doing a very good job.

The SPEAKER: Order! I warn the member for Katanning-Roe.

A Government member: Throw him out.

Mr Old: Why don't you stay in the Chamber?

The SPEAKER: I name the member for Katanning-Roe.

Suspension of Member

Mr TONKIN: I move—

That the member for Katanning-Roe be suspended from the service of the House.

Motion put and a division taken with the following result—

Ayes 24

Mr Barnett	Mr Hodge
Mr Bateman	Mr Hughes
Mrs Beggs	Mr Jamieson
Mr Bertram	Mr McIver
Mrs Buchanan	Mr Parker
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr Tonkin
Mr Carr	Mr Troy
Mr Davies	Mrs Watkins
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill

(Teller)

Noes 12

Mr Blaikie	Mr Laurance
Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Rushton
Mr Clarko	Mr Trethowan
Mr Crane	Mr Watt
Mr Grayden	Mr Williams

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Hassell
Mr Pearce	Mr McNee
Mr Tom Jones	Mr Tubby
Mr Bryce	Mr Coyne
Mr P. J. Smith	Mr Court
Mr Bridge	Mr Mensaros

Motion thus passed.

The member for Katanning-Roe left the Chamber.