

Legislative Council

Tuesday, 7 April 1981

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

CONSERVATION AND THE ENVIRONMENT: JARRAH CLASS ACTION

Assembly's Resolution

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

That The Parliament of Western Australia views with grave concern the action taken by the Conservation Council of Western Australia Inc. in launching in the United States District Court for the Western District of Pennsylvania a class action aimed at restricting and possibly crippling the bauxite/alumina industry in Western Australia.

This Parliament deplores the institution of this action which it believes is directed against the best interests of the State of Western Australia, the livelihood of many thousands of Western Australians and the Australian nation.

The elected representatives of the people of Western Australia in this Parliament assembled assert their right to determine what matters are in the best interests of the people of Western Australia and their right to make and uphold the laws of the State of Western Australia.

This Parliament directs attention to the fact that the bauxite/alumina industry operates in Western Australia under the provisions of Agreements lawfully entered into with the Government of Western Australia and ratified by Act of Parliament. These agreements specifically state that they will be interpreted according to the laws for the time being in force in the State of Western Australia.

The companies involved in the bauxite/alumina industry in Western Australia have conformed, and are conforming with the provisions of these

agreements and the laws of Western Australia, especially in regard to—

their operations, generally,
conservation and environment
requirements, and
the control of mining.

The companies have shown themselves to be responsible and law abiding and have demonstrated a genuine desire to be part of the community and to conform to all applicable laws.

All of their operations have been subject to strict conservation and environmental requirements including monitoring, and the companies have, at all times, shown a willingness to co-operate with the Government and other authorities as well as with the community at large.

They are very big employers who comply with the industrial laws of this State. This employment is both direct and indirect and is estimated to affect some 20 000 Western Australian workers. Furthermore, the participation of the companies in the bauxite/alumina industry of Western Australia is of considerable benefit to the activities of local fabricating and service industries and the professions.

For example, the current construction programme at Wagerup for the new Alcoa refinery has spent 85 per cent of the large capital investment for the construction of this refinery within Western Australia. This policy of maximum local participation is followed by both bauxite/alumina projects.

The Alcoa project has already generated huge amounts of export income for the nation and, in addition, supplies alumina to feed the Alcoa aluminium smelter in Victoria, Australia, and will do so for another smelter about to be constructed in that State.

The Worsley project, of which Reynolds Metals Company is a part—will likewise make a major contribution to local industry and to export income.

Both bauxite/alumina enterprises are destined to be important factors in the development of an aluminium smelting industry in Western Australia. This is important in itself and it will also have tremendous benefits to our indigenous coal industry for electric power generation and other purposes.

The Alcoa project will be a big user of natural gas for Alumina production. This gas is to be brought in a 1 500 kilometre pipeline from off the North West coast of the State to the South West of the State where it will be available to domestic and industrial users. The need of the bauxite/alumina industry which is located in the South West is an integral part of the viability of this important offshore energy project. The use of this gas for alumina production is a high energy efficiency use of this form of energy.

The Parliament affirms its view that it is in the best interests of Western Australia that the companies involved in the bauxite/alumina industry should be free to continue their operations in the State.

This Parliament is of the opinion that the Government of Western Australia should take such action as necessary to communicate the views expressed by the Parliament of Western Australia in this resolution in any appropriate quarter and seek the co-operation of the Commonwealth Government of Australia in any representations which might have to be made internationally.

Standing Orders Suspension

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.25 p.m.]: I move, without notice—

That so much of the Standing Orders be suspended as would enable consideration of Message No. 2 from the Legislative Assembly to be proceeded with before the Address-in-Reply is adopted.

Question put.

The PRESIDENT: To be carried, this motion requires an absolute majority. I have counted the House: and, there being no dissentient voice, I declare the question carried with the concurrence of an absolute majority.

Question thus passed.

Motion to Concur

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.26 p.m.]: I move—

That the Legislative Council concurs with the resolution of the Legislative Assembly as contained in Message No. 2.

In moving that we concur with this resolution, I wish to advert to the terms of the resolution to remind members what is included in it.

The resolution is a lengthy one, but it does express the concern of the Parliament of the State about the action taken in the United States District Court for the Western District of Pennsylvania, the effect of which will restrict and possibly cripple the bauxite-alumina industry in Western Australia.

The resolution sets out the effects the proceedings could have on the livelihood of many thousands of Western Australians. The resolution invites the Parliament to assert its right to determine what is in the best interests of the people of Western Australia and to assert its right to make and uphold the laws of the State of Western Australia.

It also directs attention to the lawful agreements entered into with the Government under which the alumina-bauxite industry presently operates. These agreements are interpreted in accordance with the Western Australian laws.

The resolution continues to assert that the companies are conforming to the laws of Western Australia in regard to their operations and the conservation and environmental requirements as well as to the control of mining. It states that the companies are responsible and law-abiding and are subject to strict requirements for conservation and environment, including monitoring, and that the companies have demonstrated a willingness to co-operate with the Government and the community.

The companies are large employers, both directly and indirectly, of labour in Western Australia. Indeed, the resolution refers to the fact that up to 20 000 Western Australian people are being employed. I must also add the participation which is of considerable benefit to their activities of local fabricating and service industries and the professions.

The resolution also states that 85 per cent of the capital investment of the Wagerup refinery has been spent in Western Australia and that there has been a maximum local participation in both projects: that is, Alcoa and Worsley. It says also that Alcoa has generated a huge export income for Western Australia and indeed, in respect of the whole of Australia. It is supporting also the aluminium industry in Victoria and is feeding Victorian smelters.

Worsley, and the Reynolds Metals Company, which is a part of the project, will make a major contribution to local industry and to the export income of the State and of Australia. Both enterprises will be significant in the aluminium smelting industry in Western Australia and they

will benefit the coal industry and increase power generation.

The industry will also be a large user of industrial gas and the pipeline referred to covers 1 500 kilometres from off the north-west coast of the State to the south-west of the State. Without the assistance of that industry the project would not be possible. The bauxite-alumina industry is an integral part of the important offshore energy project.

That is referred to in the resolution which finally asks Parliament to affirm the view that it is in the best interests of the State to allow these companies to continue their operations. It expresses the view that the Government should take the necessary action to communicate these views and to co-operate with the Commonwealth in any international representations.

[Resolved: That motions be continued.]

The Hon. I. G. MEDCALF: As to what international action might be taken, that is a matter for the Commonwealth. Under the Constitution, the Commonwealth has the responsibility for external affairs, and these international arrangements are largely in the hands of the Commonwealth. Nevertheless, the State will seek to co-operate with the Commonwealth Government in whatever international representations it might make. Certainly to any representations it would add the resolution as the view of the Parliament of Western Australia. Indeed, if it should be decided that the Commonwealth should appear in the case in the United States in the western District Court of Pennsylvania, the State would seek to have its views, together with those of the Commonwealth, placed before the court. It is anticipated that the views of the State and the Commonwealth would be synonymous in support of the alumina industry in Western Australia. I would hope that the Opposition would realise the importance of this from the State's point of view and that it would support the resolution.

I will refer briefly to the details of this case in the United States. It is necessary to look at the documents in the case to ascertain what it concerns.

The case is brought in the United States District Court of Pennsylvania in Pittsburgh. The plaintiff, responsible for the issuing of the writ, is the Conservation Council of Western Australia—which is an association of 30 affiliated organisations—on behalf of its members and others, and on behalf of—

all those so unfortunate as to be similarly affected as a result of the wanton and

reckless disregard of the public health, safety and welfare by the defendants in promoting bauxite mining etc. in the Darling Regional Ecological System of the S.W. Botanical Province of Western Australia.

In other words, the proceedings are brought not only on behalf of the conservation council and 30 affiliated organisations, but also the unfortunate citizens of Western Australia who may be affected by the wanton and reckless disregard for public health, safety, and welfare, etc.

The complaint is made under the United States anti-trust laws, not the environmental laws, including provisions relating to false advertising and false representations in respect of goods or services. The complaint is also said to be brought in equity, and I do not profess to know what that means in this context in the United States. The defendants are two United States companies. They are not the Australian companies of Alcoa of Australia, or the Australian partners of Reynolds; they are the Aluminium Company of America and Reynolds Metals Company.

They are cited because in the case of the Aluminium Company of America it owns 51 per cent of the shares in Alcoa of Australia and in the case of Reynolds Metals Company it is carrying on a joint venture with other companies, in relation to the Worsley project. It is pertinent to ask: What is the plaintiff asking for and what is the Conservation Council asking for?

In the first place, when we consider the writ the information is demanded and not asked for. Perhaps that is the procedure in the United States. There are 10 of these demands.

Firstly, the plaintiff asks the court to make a number of declarations, one being that the people of Western Australia presently living and as yet unborn are entitled to the benefit of the hydrosphere, atmosphere, lithosphere, and biosphere without them being degraded by the bauxite-alumina industry. We already have these rights and we do not need the United States District Court to tell us about them.

The plaintiff also requests that the court declare that the people of Western Australia living and yet unborn are entitled to the protection and use of the natural resources, treasures, and environmental systems of the Darling regional ecological system. Here again we have these rights and do not need the District Court of Pittsburgh to tell us about them.

Further, it seeks to have bauxite mining carried out in a manner consistent with the best use of the hydrosphere, lithosphere, biosphere, etc.—

The Hon. Peter Dowding: Would you disagree with that?

The Hon. I. G. MEDCALF: —and, then, it asks the court to declare that Alcoa and Reynolds have failed to consider these factors.

The Hon. Peter Dowding: Would you disagree with that?

The Hon. I. G. MEDCALF: Then follow the 10 demands. Firstly, the court is asked to restrain companies from mining in State forests until the feasibility of mining on their privately-held or other holdings has been analysed; then it is asked to restrain the companies from mining until it is established—here, again, presumably to the satisfaction of the District Court of Pennsylvania—that bauxite mining will not increase salinity.

Following this there are demands that there should be the same kind of inquiries in regard to the air and soil; the same in relation to fluoride emissions, until it has been established by inquiries—again presumably to the satisfaction of the District Court of Pennsylvania—that there will not be any fluoride emissions that will contaminate the air or soil; and that nothing must happen if there is any damage to the environment. The same follows again in relation to the water quality. It implies that mining is the major cause of dieback, whereas it is well known that it is only one contributing factor. What is not mentioned is the tremendous contribution the companies are making towards dieback research.

The District Court of Pennsylvania is invited particularly to consider Mt. William and Mt. Saddleback and one may well wonder how it proposes to consider those. Perhaps it will arrange for an on-site inspection.

Demand No. 8 imposes an untouchable reserve of 100 000 hectares in the northern jarrah forest, where mining already has been authorised under control.

Demand No. 9 requires that there be no permanent damage at all in any respect. However, mining must cause some damage; it is inevitable. Nevertheless there is a demand that there be no permanent damage at all; while demand No. 10 falsely implies that Alcoa is distributing false and misleading information.

Indeed the entire proceedings are based on the allegation that the anti-trust laws apply particularly in respect of false and misleading information, false representations, and false advertising by Alcoa and the other company.

In regard to those demands, let me say one or two words. Firstly bauxite mining in Western

Australia would not be viable if it were restricted to the privately-held leased lands of the company, and excluded the other lands which were included in the projects; secondly, this Parliament would not permit aluminium smelting if fluoride emissions were likely to harm the environment and, thirdly, if there had to be no change to the environment, there would be no industry.

Of course mining changes the environment. What does not change it? Mining must change the environment; but so does farming. Indeed, farming changes the environment even more than does mining, so some say—so does the building of a house, the construction of a road, or the felling of a tree. They all effect permanent change to the environment and there are those who would say that they all do permanent damage.

The environment is not inviolable. There must be a careful balance between development, the environment, and conservation requirements. Some people who become utterly preoccupied with their particular hangup are not able to realise that this balance is essential in order that a community might live.

Some years ago I had the experience of visiting the Hamersley Range when a great deal of agitation existed in regard to the whole of the range being made a national park. I visited the area with a party of environmentalists from Canberra and I understood that they were investigating the question which was then very current; that is, that the entire area should be made a national park and there should be no mining in it. After having looked around the range it was very interesting to note the opinion of some of these outspoken environmentalists. It was to the effect that there must be a balance between mining in the range and environmental requirements.

It is obvious that there must be a balance and that mining cannot be excluded. There must be a balance between the two. If people do not know that a balance must exist, then they do not know anything.

Salinity, water storages, and dieback are all factors which the EPA and other environmental authorities in this State already have taken into account and are continuing to take into account in their calculations in relation to these projects. Salinity, storage of water, and dieback have been foremost in their deliberations and in the proposals they have made, as well as in their discussions and negotiations with the company. However, how long would it take if we were to attempt to carry out the demands made in these proceedings? How many years would it take to

satisfy the District Court of Pennsylvania, or any other court or tribunal which might be named by the particular plaintiff? How long would it take to satisfy them, and then to satisfy the plaintiff if it obtained an adverse vote, that there would not be any damage to the environment or in relation to the other nine demands which were named and which I outlined?

The Government has been negotiating the progress of mining so as to steer it in such a way as to minimise the disturbance of selected forest areas. Mining by Alcoa is carried out only on the western side of the Darling Range where the runoff is high and the soil is relatively salt free. The eastern side will not be mined unless it is demonstrated that salinity can be controlled. This is part of the environmental conditions. The requirements of Alcoa can be met from safe areas for at least a quarter of a century. The eastern sector is protected, is comparatively free from dieback, and is quarantined.

The Government has had a number of top-level committees on forests. I will not name them, but they did include the Hunt committee and others of which members are aware; and these have been involved over the last few years. Both Alcoa and Reynolds are subject to ERMPs—environmental review and management programmes—which provide for constant surveillance and monitoring. Instead of receiving a writ and the amount of censure they have been receiving from certain quarters, the companies deserve credit for their response to community requirements and leisure activities, let alone their replanting and dieback control and research procedures.

The United States proceedings are an insult to the Parliament of Western Australia, to the members of that Parliament, and to the Parliament of the Commonwealth, to say nothing of their being a complete insult to the Government's environmental advisers.

If the United States District Court makes the orders asked for by the Conservation Council, the orders will be made against the two American companies; they will not be made against Alcoa of Australia Ltd. or the joint venture partners of Reynolds, but against the two American companies. Those orders, if made by the United States District Court of Pennsylvania, will be enforceable in the normal way by attaching, sequestrating, or seizing the property of the American companies, by penalising the office bearers of the American companies, or by whatever other processes are available in America. Possibly it would be by way of imprisonment if contempt proceedings of a similar kind to here are taken.

However, the orders will be enforceable in America against American companies and the American office bearers of the companies, not against local companies. In other words, the legal duress which will occur if the orders are made will not take place against Alcoa of Australia Ltd. or the associated companies in the joint venture, but it will make operations cease at Worsley until the requested inquiries have been made.

I do not know how long that might take; your guess is as good as mine, Sir. We could give it five, 10, 15, or 25 years if you like; to satisfy the Conservation Council might well take a quarter of a century.

The proceedings are designed to close down the industry in the immediate future. Why, even if the court agrees, it may take years. Who knows how long it will take? Does anyone imagine the matter will be decided in the first instance in the Western District Court of Pennsylvania, and does anyone know what will be the ultimate cost? I have some little experience of United States lawyers, and they do not act for nothing.

The Hon. D. K. Dans: They have something in common with our lawyers.

The Hon. I. G. MEDCALF: No comments, please!

American lawyers differ in that they have contingency fees in respect of class actions, and I am advised they charge up to 30 per cent. I have never been fortunate enough to participate in such an action, but I understand they charge up to 30 per cent in respect of damage claims. No damage claim is involved here, but Yannacone & Co. might have agreed a fee in advance. I wonder how many thousands of dollars their fee is; your guess is as good as mine, Sir. One might well ask: Who is paying for all this? Indeed, who can afford to contemplate the eventual cost and the final outcome of whatever appeals may take place in respect of these proceedings?

The Hon. Peter Dowding: Are you suggesting a lack of bona fides on the part of Yannacone?

The Hon. I. G. MEDCALF: I said the court proceedings are designed to close down the industry.

The Hon. Peter Dowding: Are you trying to smear his name? Is that what you mean to do?

The PRESIDENT: Order!

The Hon. P. G. Pental: Just ignore him.

The Hon. I. G. MEDCALF: Mr Yannacone is the attorney in the proceedings. I do not understand the member's interjection.

The Hon. Peter Dowding: Are you trying to smear his name by suggesting he is charging too much?

The Hon. I. G. MEDCALF: I said nothing detrimental to him, except that probably he agreed to his fee in advance.

The Hon. Peter Dowding: What are you hinting at?

The Hon. I. G. MEDCALF: I am not hinting at anything.

After that unruly interruption, may I repeat that these court proceedings are designed to close down the industry. That would be the inevitable effect in Western Australia of any defiance of court orders by the American companies.

This preposterous arrogation of power by a foreign court in Pennsylvania invoked by a local group in misconceived environmental zeal could, if successful, throw 20 000 Western Australians out of their jobs.

The Hon. Peter Dowding: Do you know that Yannacone acted for Reagan's election committee?

The Hon. I. G. MEDCALF: Let me point out what Alcoa has done in respect of providing employment for Western Australians. About a fortnight ago 3 489—or 3 500 in round figures—persons were directly employed by the company. Another 5 000—again in round figures—were on permanent contract, and that does not include the people in the construction force. Using the multiplier of 4:1 which is normal in these circumstances, another 16 000 persons would be indirectly employed. So we could safely say that 20 000 jobs would be at stake in respect of these enterprises.

In addition, we have the families and dependants of the workers. A multiplier of 2.5:1 is not unusual and is generally acceptable, so we may conservatively estimate that 50 000 people would be affected were this industry closed down. In addition, another 15 000 people are hoping for new jobs as a result of the additional development which is in train. At the moment the company has 160 apprentices, and it employs qualified graduates on an annual basis at the end of each year. At the end of 1979 the company employed 35 qualified graduates in the fields of engineering, computing, and environmental sciences; and at the end of last year it took on another 40.

Last year Alcoa of Australia Ltd. paid \$350 million into the Western Australian economy by way of wages and salaries, royalties, goods and services, and capital expenditure. Since 1972 it has spent \$1 100 million on goods and services in

Western Australia. Over the past five years provision for taxation by Alcoa alone has amounted to \$325 million, which is revenue for the Federal Government. The alumina industry contributes one-eighth of Western Australia's export earnings, and has contributed \$1 500 million in eight years. In addition in 1980 Westrail received \$16 million; the company has expended \$3 million per annum on reforestation; it has expended \$2 million per annum on research into environmental questions; and it is spending \$500 000 over three years on dieback research. Those are impressive figures.

However, let us get down to the individual, to the situation of having a job or not having a job. Let us get down to job security for the family, or self-respect for the worker and his family. Western Australia's record in respect of job creation has been outstanding in Australia. In the 1970s we led Australia in this field. The creation of a satisfactory climate for the growth of jobs is an obligation and responsibility of Government. Does any member of this House want this industry closed down under the restraining orders?

The industry is under environmental restraint now; it is operating under environmental laws passed by this Parliament, and it is complying with those laws. Who else or what other body has any right to lay down the laws to apply in Western Australia, apart from the State and Commonwealth Parliaments?

These proceedings are misconceived and mischievous. Sovereign States cannot be expected to tolerate such proceedings; nor can we tolerate proceedings enforceable in the United States which must inevitably determine agreements properly made under the laws of the Parliament of this country. In order publicly to demonstrate the views of the elected representatives of the people of Western Australia, I ask members of the House to support the motion.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.55 p.m.]: I do not intend to support the motion in its present form; as members would probably anticipate, I intend to move an amendment. Perhaps the resume given by the Leader of the House would have been far better given to the Western District Court of Pennsylvania; because, looking at the motion, I fail to comprehend what it sets out to do. I do not know what the motion is all about or what it is supposed to do; and when it is finally carried I do not know of what use it will be.

As far as the Opposition is concerned, only one point is at issue; and that is the matter of the

application to a foreign court. I do not deny the right of the people concerned to take this action, but the view of my party is that it is opposed to actions being taken in a foreign court. It is well known in this Chamber that we are opposed to appeals to the Privy Council, and we are being consistent in respect of our attitude to foreign courts.

However, when I look at the motion passed in the Legislative Assembly, I find only a small part of it deals with the class action taken in the United States. If the motion is intended in some way to back up the defence of the Aluminium Company of America, then it fails dismally; also my information is that the local company certainly was not impressed with the procedure adopted in another place.

I could go through the motion and pick out each paragraph, but I do not intend to weary the Chamber. I could relate various parts of the motion with Press statements issued by Alcoa of Australia Ltd. over a long period, and I do not think the padding out of the motion by what could best be described as garbage does the cause of the Government any good. In fact, the motion goes further; it seems to presuppose a number of things. It says that the Alcoa project has already generated huge amounts of export income for the nation and, in addition, supplies alumina to feed the Alcoa aluminium smelter in Victoria. I do not suppose anyone would argue with that, but I ask what that has to do with the class action being taken in America.

The motion then says that Alcoa will supply alumina for another smelter to be constructed in Victoria. I think that is a speculative statement. If some of the matters raised by the Leader of the House come to fruition I doubt very much that a smelter will be constructed here or in another State.

If the Government had in its mind only the repudiation of a class action in a foreign court, the Opposition might have seen a possibility of supporting it. However, when the Government produces a document such as this covering three pages of which only the first paragraph concerns the real question at issue, the Opposition cannot support it. We should be considering only one question.

The Hon. I. G. Pratt: Which of the other statements do you disagree with?

The Hon. D. K. DANS: I do not altogether disagree with all the other statements in the motion; but I do not understand what they have to do with the class action. We are talking about a class action, not about bauxite mining, or how

good Alcoa is, or how bad Alcoa may be. That has nothing whatsoever to do with it. Earlier in my speech I said that the motion contains a lot of padding.

What was the purpose of bringing such a motion to the Parliament? Was it to embarrass the Opposition? Was it to demonstrate to the people of Western Australia in the first instance what a public benefactor Alcoa is? Was it to put into the hands of the attorneys representing the Aluminum Company of America a document that would assist their case in that court? Those questions have not been answered by the Leader of the House, for the benefit of the members of this Chamber.

Sitting suspended from 6.02 to 7.30 p.m.

The Hon. D. K. DANS: Prior to the tea suspension I was questioning the need for the motion in its present form. When I listened to the Attorney General, if I shut my eyes for a few moments, I could picture the famous Damon Runyan character Sorrowful Jones, because the Attorney General seemed to be speculating. A man with his legal experience knows how very dangerous it is to speculate about the decisions made by courts in this country, and I imagine it would be equally dangerous—even more dangerous—to speculate about the decisions which will be made in a foreign court.

The Attorney General seemed to be saying "All these terrible things will happen."

The Hon. I. G. Medcalf: They could happen.

The Hon. D. K. DANS: These things could or would happen—it does not really matter—if the decision went against the United States companies.

Taking an objective point of view, I find it hard to reach a conclusion as to why the Attorney General spoke in that manner; therefore, I thought perhaps I should look at the motion again. By examining the padding which bolstered up the only significant paragraph in the motion, I thought I might be able to determine what was in the Government's mind. One can arrive at only one conclusion.

Let us assume that the action is not successful—

The Hon. P. G. Pental: That is a dangerous assumption.

The Hon. D. K. DANS: I said "assume", not "speculate".

The Hon. P. G. Pental: It could be a dangerous assumption though.

The Hon. D. K. DANS: If this action were unsuccessful, what would be the need for a motion such as this? I can only conclude that the Government is afraid—perhaps the company also is afraid—that information which has been denied to the people of Western Australia could come to the surface and when that occurs, it would be very difficult for the Government to continue to operate in the manner in which it has operated in the past. That is an assumption, but it is the only assumption I can arrive at.

The Hon. I. G. Medcalf: It is highly speculative.

The Hon. D. K. DANS: Whilst I was listening to the Attorney General, I would not have bet on that horse had I been a gambling man.

The Hon. R. G. Pike: I did not think you had any vices.

The Hon. D. K. DANS: I have a number of vices and I enjoy them all!

Despite what one may say or think, I do not believe there was any need for the Government, when speaking to the motion or when making public statements, to denigrate the Conservation Council of Western Australia. The council is made up of over 30 groups from a wide cross-section of society and many people of different political beliefs.

However, whilst I may not agree with the step which has been taken—I have said so already and I will say so again shortly—I understand the frustrations experienced by people who try to obtain information and are denied it and this has resulted in the desperate action we are discussing tonight. It is a matter of great regret that the present Government operates virtually in a siege situation.

It is very difficult to obtain information of any sort whatsoever from the Government. It is evasive and it ridicules people who dare to question its actions and it even goes so far as to threaten them. That is definitely not the way in which to engender public support and confidence.

In addition, we have a rotten electoral system and I do not think anyone would deny that.

The Hon. P. G. Pandal: I would not go that far.

The Hon. R. G. Pike: That is highly speculative.

The Hon. D. K. DANS: The electoral system of this State does not allow people to use the democratic processes in an endeavour to have their voices heard.

The Hon. I. G. Pratt: I do not know what that has to do with the motion.

The Hon. D. K. DANS: The opinion of the member who has just interjected does not influence me a great deal. A short while ago I made a comment and the member pounced on it. He was obviously psyching himself up for a later stage.

A very vexed question could arise as a result of the court action in America. I have asked this question on numerous occasions and it is: What is the cost of producing a tonne of alumina in Western Australia? No member of this Chamber could give me the answer off the cuff. A further question is: How much does the company in America or Australia get for that tonne of alumina when it is sold on the open market or what is the cost benefit to the American company in America bearing in mind the rate at which the alumina is sold there?

As a result of the court action the answers to those questions and others may well surface. When that occurs, Alcoa of Australia may not be seen by the population of this State as the great public benefactor that the padding of this motion suggests it is.

The Hon. A. A. Lewis: What about the employees? Do you think they might have some ideas on the matter? Aren't you worried about the jobs?

The Hon. D. K. DANS: I do not intend to be drawn on that, because you, Sir, know—

The Hon. A. A. Lewis: The Labor Party would stop the lot.

The Hon. D. K. DANS: —the amendment I intend to move.

The Hon. A. A. Lewis: We have not yet been told what it is.

The Hon. D. K. DANS: Members opposite are embarrassed about this.

Several members interjected.

The PRESIDENT: Order! Would honourable members refrain from interjecting?

The Hon. D. K. DANS: I am sorry members opposite are such nervous Nellies. I am not talking about shutting down the alumina refineries. I did not mention that. The Attorney General painted the picture of what may or may not happen. The real reason for the motion is that, if the information to which I have referred comes to the surface, a completely different complexion may be put on the operation which is going on in my electorate.

The Hon. I. G. Pratt: Explain your position to the people in Kwinana.

The Hon. D. K. DANS: I should like to give some advice to the member who has just interjected. One of the things he should do when he wants to be heard is to open his mouth and if he is unable to open his mouth wide enough, he may practise how to do so by standing in front of the mirror and placing a cork at the back of his teeth.

The Hon. R. G. Pike: I can think of a better location for the cork in your case!

The Hon. D. K. DANS: Did you, Sir, hear that dreadful comment?

The PRESIDENT: Order! I ask members to cease their interjections. Such behaviour is completely unparliamentary. I ask the member on his feet to address his comments to the Chair and to refrain from baiting members. He should also confine his remarks to the proposition before the Chair.

If members wish to persist in this thoroughly unruly behaviour, I would recommend there are other places to do it and this is not one of them.

The Hon. D. K. DANS: Thank you, Sir. I have canvassed the area rather thoroughly and I have given my reasons for suggesting the motion is not as good as it could be. I have stated to the House why I think there is a great deal of padding in the motion and I have referred to some of the situations which could occur as a result of a court action of this nature and that does not include shutting down the operations of Alcoa. I have never said that the action would succeed and I have mentioned the frustrations of people who have been forced into taking it.

Amendment to Motion

The Hon. D. K. DANS: Accordingly, I move an amendment—

Delete all words after the word "Australia" in the first line with a view to inserting the following words—

The Parliament of Western Australia opposes the jarrah class action in a United States court as an inappropriate means of pursuing a matter which should properly be determined in Australia.

THE HON. J. M. BERINSON (North-East Metropolitan) [7.45 p.m.]: I rise to second the amendment. The jarrah class action raises two distinct issues. The first relates to the subject matter of the action, and the second relates to its form. As to the subject matter of bauxite mining and its impact on the environment, neither the plaintiff's complaint nor the present motion tells

us anything which is not already clearly established on the public record. The complaint tells us that the Conservation Council does not like bauxite mining, that it would like to prevent its expansion—preferably it would stop it altogether given half a chance. Well, we knew all that, and we knew it long before the present action was filed.

On the other hand, the motion tells us that the Government's view is exactly contrary to that of the Conservation Council.

The Hon. R. Hetherington: Surprise, surprise!

The Hon. J. M. BERINSON: And we know that too. We know it from the various agreements which have been initiated by Governments drawn from both the major parties in this State, and supported on the respective occasions by the Parliament. We know from the legislation and from relevant debates that, subject to some limited reservations, these agreements have had and continue to have the support of the Opposition. Of course we have been anxious—and more anxious than the Government—to secure an effective environmental assessment and monitoring of the developments as they have proceeded.

We have supported also the environmentalists in their desire for a comprehensive study of the impact on State forests of large-scale bauxite mining. The fact remains, however, that the basic positions of all parties in this State are well known without the complaint, and without reference to the motion we are seeking to amend.

To that extent, the lengthy part of the motion that supports the industry and Alcoa's performance in it is at best superfluous. That would not be unusual, I suppose, in parliamentary proceedings.

The Hon. R. G. Pike: Only as far as your party is concerned.

The Hon. J. M. BERINSON: Not only as far as my party is concerned. As a matter of fact, I was about to comment that this debate is taking place in a House which itself is rather superfluous. However, I limit myself to the present proposition that superfluous proposals are no strangers to Parliament. If this motion were nothing worse than a superfluous ramble through the history of bauxite mining in this State, then I suppose we could allow it to pass.

In my submission it is something worse than that. In relation to Alcoa and the bauxite industry it goes to the other extreme from the complaint in seeking to develop an impression that bauxite mining is of unqualified benefit rather than a benefit which can be justified on balance against

its environmental costs. That, I think, is the truth of the matter, and it is a truth which ought to be acknowledged.

The Government is also pushing too hard when it seeks the Parliament's endorsement of a proposal for an aluminium smelting industry about which, so far, we know nothing. Again this is a mirror image of the Conservation Council's complaint which would have us oppose the smelting industry, but in advance of any knowledge of it. In other words, on the one hand, we are being asked by the complainant for a blanket condemnation and, on the other hand, we are being asked by the Government for a blank cheque endorsement of a potential project about which we are basically ignorant.

Another and more important reason why the superfluous praise of the bauxite industry, Alcoa, and the Government itself, ought to be deleted from the motion is that it can only obscure the importance of the form in which this action has been taken.

The approach to an American court effectively to override the decision of an Australian Parliament in an area which is properly within the jurisdiction of that Australian Parliament ought to be regarded by us all as utterly unacceptable. That is the only new element in this jarrah class action, and it is an extremely serious element. Our collective attitude to it should be unequivocal, and all attention should be focused on it. That is what the Opposition's proposal would do and what the Government's three-page ramble does not do.

The position of the Opposition on this matter is quite clear. Even if we opposed the current bauxite agreements, we would still not support the complaint to the American courts. Whichever way the complaint is dressed up, it would amount to an attack on the capacity of Australians to manage their own affairs. Accordingly, it is inconsistent with our independence, our sovereignty, and our national dignity. It is as much an affront to us as is the continued access by Western Australians to that other foreign court, the Privy Council. Unlike the Government, however, we are prepared to be consistent, no matter what convenience might suggest.

We urge all Western Australians, including members of the Conservation Council, to consider the ramifications of this action, and to proceed no further with it. Of course, no-one denies the council its right to take the action. It remains, in my opinion, unassailable, that the action is totally undesirable.

To those few comments, I want to add three brief submissions. Firstly, quite apart from the

principle involved, there are very practical reasons for foreign opinions on essentially local questions to be treated with caution. It is easy enough to be wrong on the spot, and much easier to be wrong from a distance. By way of analogy I refer to the ban by the United States Government on the import into that country of kangaroo skins from Australia. Frankly, I doubt whether that ban need ever have been applied.

The Hon. A. A. Lewis: What Government applied it?

The Hon. J. M. BERINSON: The United States Government. I am talking about the ban on the import of kangaroo skins into the United States. I am unaware of any Government other than the Government of the United States which might have had the capacity to impose, let alone enforce, such a ban. That is the Government I am referring to.

The Hon. D. J. Wordsworth: Very convenient. Who requested it?

Several members interjected.

The PRESIDENT: Order!

The Hon. D. J. Wordsworth: The Whitlam Government.

The Hon. J. M. BERINSON: I am saying that the ban was maintained for many years after the last rational reason for it had vanished. While kangaroos were increasing in Australia to plague proportions, some idiot was telling the administration in America that kangaroos were in danger of extinction, and some other idiot in America was believing him.

The Hon. D. J. Wordsworth: That idiot might have been the Minister for the Environment and Conservation in the Whitlam Government.

The Hon. D. K. Dans: Be careful!

The PRESIDENT: Order! I ask the Leader of the Opposition to cease his interjections, and I suggest to the speaker that he advise the House why he is urging the House to delete the words.

A member: A kangaroo court!

The Hon. J. M. BERINSON: Very well. I thought the analogy I was offering as an indication of the danger of recourse to foreign bodies, including those in the United States, ought to be appreciated by this Parliament, and for that matter by the public. I was about to say, in elaboration of my complaint, that for years America insisted on maintaining a ban on kangaroo skins after all reason for that ban had gone, and that it was most disturbing over the period to note that no contrary evidence seemed capable of satisfying that Government.

If something as definite as a head count was unacceptable in that case, heaven help us, I suggest, if we have to ask an American court to come to grips—as this complaint would ask it to come to grips—with “the resources of the hydrosphere, the atmosphere, the lithosphere, and the biosphere associated with the Darling regional ecology system of the south-west botanic province of Western Australia, and the natural, economic, sociological, and societal systems operational thereon, as affected by the multinational, transnational, conglomerate corporate defendants”. Heaven help us if we have to go to the American courts to attempt to decide on that, with the background knowledge we have already of their lamentable inability to come to grips with facts which were much more demonstrable than those to which I have just referred.

The Hon. D. J. Wordsworth: You are an expert—you ought to know.

The Hon. J. M. BERINSON: There is another practical reason for the action in America not proceeding. In the last resort it is the Australian view which will prevail, no matter what the American court might decide. If Kuwaiti oil can get to South Africa in the face of its total embargo, Western Australian bauxite will certainly get onto the world markets, with or without the overt participation of Alcoa. There may be some short-term dislocations while alternative arrangements are made, and ironically, an aluminium smelter might even be accelerated in this State for the purpose.

The Hon. D. J. Wordsworth: Did the kangaroo skins still get onto the American market?

The Hon. J. M. BERINSON: Frankly, I do not know, but if the Minister is equating the demand for kangaroo skins with the industrial demand for aluminium, he is inviting me to follow a tangent on which I am not prepared to join him. It is an irrelevant consideration—the demands for the two are quite different.

The PRESIDENT: Order! I ask members to cease their interjections. I ask the Hon. J. M. Berinson to confine his comments, not to the merits of a court case being made in America, but to the merits of whether the proposed words should be deleted. The question before the Chair is whether the words in the Minister's motion should be deleted. The member's argument should be the reason for the words being deleted.

The Hon. J. M. BERINSON: With respect, Mr President, the two are one and the same. The reason these words should be deleted is to permit their replacement by the words proposed to be added by Mr Dans' amendment. Mr Dans'

amendment relates solely to the desirability of a court action in America. In those circumstances, it is impossible to pursue the amendment, let alone the motion, without reference to the desirability of a court action in America.

My third and final point relates to the availability of legal action to resolve environmental disputes such as the one involved in the jarrah case. Some people say that the way to overcome the present action is by facilitating similar action here. With great respect to the people who advance that point of view, I do not agree with it.

As it happens, I am a great admirer of the United States; however, I do not admire the American propensity for litigation or their constant expansion of opportunities for litigation. That is not a pattern which I am inclined to follow or to advocate, least of all in the area with which we are now concerned.

The only reason we have environmental controversies is that so many projects are neither all good nor all bad. They involve a balance and trade-off of benefits as against detriments. They can and indeed very often must involve highly subjective judgments. How else, for example, could we even start to try to evaluate the cost benefits of 100 jobs in any particular industry as against the value of a passive recreational area?

These sorts of questions need decisions which are basically political rather than legal. That, on the whole, is the way in which environmental protection in Australia proceeds; and, given that it is a process less than 10 years old in any serious sense, it has good prospects of reasonably meeting our needs.

To move to the United States' emphasis on legal procedures is not desirable, so far as I can see; certainly, to move to United States' legal procedures in the United States is most undesirable, and should be opposed. That is the clear and unqualified effect of the amendment and it is on those grounds that I commend the amendment to the House.

THE HON. N. E. BAXTER (Central) [8.03 p.m.]: I do not think that in all my parliamentary career I have ever seen such a meaningless amendment as the one now before the Chair. It will do absolutely nothing. The amendment advances no reasons for our opposing the class action in a United States court.

The Hon. J. M. Berinson: It does; the amendment gives the reason.

The Hon. N. E. BAXTER: It does not say a word as to why we should oppose the class action.

The Hon. J. M. Berinson: You must have the wrong copy, Mr Baxter; my amendment contains the reason.

The Hon. N. E. BAXTER: I do not have the wrong copy. The words proposed to be added are as follows—

oppose the jarrah class action in a United States court as an inappropriate means of pursuing a matter which should properly be determined in Australia.

The Hon. J. M. Berinson: That is the reason.

The Hon. N. E. BAXTER: What does it really mean? It means exactly nothing.

The Hon. A. A. Lewis: It is just the Labor Party, trying to get off the hook.

The PRESIDENT: Order! I return to the message I was trying to convey to the previous speaker. The question before the Chair is that the words proposed to be deleted be deleted. There is no room at this time for debate on the nature of the words proposed subsequently to be added; that debate will take place at a later stage.

Points of Order

The Hon. J. M. BERINSON: Mr President, with great respect, it is impossible to develop an argument for the deletion of certain words except by explaining why other words should be preferred in their place.

The PRESIDENT: Order! What is your point of order?

The Hon. J. M. BERINSON: My point of order is that the debate cannot be restricted in the way you are now proposing to restrict it.

The PRESIDENT: Order! I am advising members of the nature of the question before the Chair. There is no point of order. Quite clearly, the question is that the words proposed to be deleted be deleted.

The Hon. G. C. MacKINNON: On a further point of order, Mr President, might I request that, for the purpose of ease of this discussion you might allow a conjoint debate on the two questions; namely, that the words proposed to be deleted be deleted, and the words proposed to be substituted be substituted?

The PRESIDENT: Order! I am the judge of what will be permitted and what will not be permitted in this place. It has become quite apparent to me that some members were not aware of what the question was, and they were debating the original motion. That is not the question before the Chair. I will allow the honourable member to proceed; however, he will hear from me if I think he is straying.

Debate (on amendment to motion) Resumed

The Hon. N. E. BAXTER: Mr President, I respectfully suggest that at no time did I mention the original motion; I referred only to the words to be deleted, and the words proposed to be added.

The Hon. H. W. Olney: The President has ruled such a discussion out of order.

The Hon. N. E. BAXTER: Mr Berinson went all around the world in his discussion, and even brought kangaroo skins into it. In no way can one debate this motion without some reference to the words proposed to be added. It would be meaningless to talk about the deletion of certain words unless at the same time one dealt with what is proposed to be inserted in their place.

I repeat that the proposal to delete all words after the word "Australia" in the first line of the original motion with a view to substituting other words represents a meaningless, useless attempt to deal with the matter. The amendment contains no reasons for the deletion of the words. We as a Parliament could not possibly put forward such a case to judicial and other organisations overseas as representing the policies of this State.

The amendment is nothing but a pure bluff on the part of the Opposition to try to get away from the original motion, which contains real substance. I am sure the House will not accept the amendment in its present form.

THE HON. A. A. LEWIS (Lower Central) [8.09 p.m.]: I wish to deal with the words the Opposition seeks to delete. When reading this motion, I find myself wondering why members opposite want to delete these words.

The Hon. H. W. Olney: Because they are all rubbish.

The Hon. A. A. LEWIS: I would like Mr Olney to make that comment to his colleague, the member for Collie, and to his electorate. We have already had Mr Berinson trying to stop the installation of precipitators in Collie so that the coal dust can rain all over the town. It is an amazing thing that we have in this House two new gentlemen who appear ready to get stuck into the area represented by the member for Collie, Mrs Piesse, and myself. Apparently, from a distance those two new members know more about this area than we three members or anybody else.

Mr President, you will recall Mr Berinson stated that it is easy to be wrong on the spot, but that it is far harder to be right when further away.

The Hon. J. M. Berinson: Do you disagree with that?

The Hon. A. A. LEWIS: No, I think that is a marvellous statement of fact; so, why does Mr Berinson not leave it alone, and leave Collie alone for the member for Collie and the other members representing the area to deal with in their own way?

The Hon. D. K. Dans: What does Collie have to do with this?

The Hon. A. A. LEWIS: I will tell the Leader of the Opposition how the deletion of these words will affect Collie. I know the Collie Shire Council and the people of Collie want the Government's entire motion.

The Hon. J. M. Berinson: Why? How will it help?

The Hon. A. A. LEWIS: "How will it help?" they cry!

The Hon. D. K. Dans: Bunkum!

The Hon. A. A. LEWIS: How they cry!

The Hon. D. K. Dans: The great bunko artist!

The Hon. A. A. LEWIS: Is the Leader of the Opposition talking about the Collie Shire Council in those terms? I am sure the Collie Shire Council will be pleased to read Mr Dans' interjection.

The Hon. D. K. Dans: I am quite prepared to go down to Collie and discuss this motion with the Collie Shire Council and tell them what a lot of tripe it is. You can put the opposing point of view.

The PRESIDENT: Order! If the Leader of the Opposition continues his interjections, he will incur the wrath of the President.

The Hon. A. A. LEWIS: I intend to deal with the explanations given by the members opposite in support of their move to delete these words. Mr Dans said he did not know what the motion was all about; that was patently obvious by the speech he made.

The Hon. D. K. Dans: Do you understand it?

The Hon. A. A. LEWIS: Yes I do; I have had the opportunity to read the motion, and I understand it fully.

The Hon. D. K. Dans: Explain it before you get on to the amendment.

The Hon. A. A. LEWIS: Mr President has ruled that I cannot deal with the motion itself; I must deal with the deletion of the words, and the hook on which it has put the Australian Labor Party.

The Hon. J. M. Berinson: You are dreaming.

The Hon. A. A. LEWIS: I heard the Leader of the Opposition talking about Sorrowful Jones; I

simply remind him that he is "Decrying Des" because that is all he does; he decries everything the Government is trying to do for this State, without ever suggesting an alternative.

The Hon. D. K. Dans: I moved an amendment. What is wrong with you?

The Hon. A. A. LEWIS: That is exactly what I am talking about. The Leader of the Opposition has moved an amendment to cut the guts out of this motion, but suggests nothing substantial in its place. The Leader of the Opposition went on to talk about the amount of money Alcoa is making.

The Hon. D. K. Dans: No I did not.

The Hon. A. A. LEWIS: Oh yes, Mr Dans did. I am sure that when he reads his *Hansard* duplicate he will apologise to me. He talked about these "grasping multinationals". Perhaps *Hansard* will not contain those precise words, but that is what he meant. He maintained they were shocking people, but they are providing Western Australians with many jobs.

The Hon. J. M. Berinson: With our support.

The Hon. A. A. LEWIS: With the support of members opposite?

The Hon. J. M. Berinson: Yes, certainly.

The Hon. A. A. LEWIS: With the proposed words to be inserted?

The Hon. J. M. Berinson: Of course.

The Hon. A. A. LEWIS: That is nothing but a gutless attempt by members opposite to get themselves off the hook.

Let us talk about Mr Berinson—and one can feel sorry for him. He has been shoved forward to try to support something that Caucus has drawn up because it could not find another amendment. The Labor Party in this House has used the same amendment as was used in the lower House.

The Hon. J. M. Berinson: Don't you believe in Australian sovereignty?

The Hon. D. K. Dans: No, he doesn't.

The Hon. A. A. LEWIS: The Opposition members are at liberty to have their own thoughts on the subject.

The Hon. J. M. Berinson: That is why you run to the Privy Council.

The Hon. A. A. LEWIS: I believe in a line back to the Privy Council just as I believe in the Westminster system, but that has nothing to do with the words proposed to be deleted.

The Hon. J. M. Berinson: It has everything to do with them.

The Hon. A. A. LEWIS: Nothing at all. Mr Berinson tried to make comparisons; he tried to

rubbish this House in his usual fashion. I wonder that a man can even come into this place if he wants to rubbish it day after day. Let him get up and say he does not believe he should be here and disappear to another place, if he can be elected there. We saw what happened to Mr Berinson in a lower House once before.

The Hon. D. K. Dans: You are scraping the bottom of the barrel now.

The Hon. A. A. LEWIS: Wait a minute; if people are prepared to knock this place, let them get out of it.

The PRESIDENT: Order! I suggest the honourable member confine his remarks, as I said earlier, to the question before the Chair, which has absolutely nothing to do with the comments he is making now.

The Hon. A. A. LEWIS: Mr Berinson, in support of the Leader of the Opposition, said the Opposition was more anxious about the environment than was the Government. I just wonder what his proof is of that. Such remarks are used to convince this House that these words should be deleted. It appears to me he is clutching at very thin straws. By what right has the Opposition to claim it is more anxious about the environment than is the Government?

The Hon. J. M. Berinson: It could hardly be less.

The Hon. A. A. LEWIS: That is a very interesting comment to come from the Hon. Joe Berinson because I believe the whole community is interested in the environment. I do not believe the Opposition has a mortgage on the environment, morality, or anything else. But the case put forward by the Opposition to delete these words seems to rest on the idea that no-one else has ever considered the environment, that everyone else has totally forgotten about the environment. It is amazing that the Opposition continues with this claptrap.

The Hon. D. K. Dans: A fascinating speech.

The Hon. A. A. LEWIS: If the Leader of the Opposition sits back he will get more of it.

The Hon. D. K. Dans: It will read well.

The Hon. A. A. LEWIS: Yes, it will. I am dealing with the words the Opposition wants to delete.

The Hon. J. M. Berinson: All three pages of them.

The Hon. A. A. LEWIS: I will rub the Opposition's nose in the words they are trying to delete.

Mr Berinson said we had not heard anything about smelters. Perhaps he is far away from the action, but those of us involved with the south-west have heard about smelters; we have done a little research and we know about these things.

The Hon. J. M. Berinson: You are privy to the smelter proposal?

The Hon. A. A. LEWIS: Mr Berinson says we have heard nothing about smelters.

The Hon. J. M. Berinson: What is the point in talking of smelters?

The Hon. A. A. LEWIS: Mr Berinson can prevaricate and try to wiggle off the hook, but the rest of us have spent months considering smelters and discussing where they should go.

The Hon. J. M. Berinson: What is proposed?

The Hon. A. A. LEWIS: If I knew the Government's intentions I would not tell the honourable gentleman because I would be breaking a confidence. It happens that one of my shires would dearly love the smelter to be in its area.

The Hon. F. E. McKenzie: Which is that?

The Hon. A. A. LEWIS: Collie.

The Hon. J. M. Berinson: Why look accusingly at me?

The Hon. A. A. LEWIS: Mr Berinson has not heard anything about a smelter. He really does not know what he is talking about.

The Hon. J. M. Berinson: It is certain you do not know what you are talking about.

The Hon. A. A. LEWIS: I know that the Collie Shire would welcome a smelter with open arms.

The Hon. J. M. Berinson: On a blank cheque basis?

The Hon. A. A. LEWIS: Near enough, because it trusts the Government. The Government has not let the shire down and it is not likely to. The only people who ever let Collie down are members of the Australian Labor Party who deny these people the opportunity of advancement and of becoming the second city in the south-west.

The Hon. J. M. Berinson: Who was the last Liberal member for Collie?

The PRESIDENT: Order! The honourable member should ignore the interjections, confine his comments to the question before the Chair, and direct those comments to the Chair.

The Hon. A. A. LEWIS: The Hon. J. M. Berinson talks blithely about short-term dislocations that may occur. They are the exact words he used. It horrifies me that a senior member of the ALP should say such a thing. This

is the sort of nonsense put forward by the Labor Party. The people of Western Australia should shudder at the thought of these indecisive people ever assuming power in the future. Mr Berinson then spoke about passive recreations compared with jobs. Does he not think this Government is taking that into consideration?

The Hon. J. M. Berinson: Did you miss my point or are you continuing deliberately to distort it? You are putting a different connotation on my comments.

The Hon. A. A. LEWIS: The Labor Party has proved itself to be uninterested in creating jobs. On the one hand, it wants to feed a little bit to the conservationists and, on the other hand, it wants to steer a little bit towards jobs here and a little bit towards capital there. Really, it has fallen between three stools. Members of the Labor Party do not have the intestinal fortitude to come out and say where they stand. We have seen this position as it relates to wood chips and everything else that comes before this House. Perhaps one of these days—and you and I, Mr President, will not see it because we will be here for only another 20 or 30 years—the Labor Party will gain power. That will happen when it supports the idea of sticking to a principle of creating jobs for its supporters and supporting this State as a whole.

Members opposite wish to delete a couple of pages of words from the motion, part of which relates to the bauxite-aluminium industry in Western Australia. They do not want the words relating to this matter to remain in the motion. Why not?

The Hon. J. M. Berinson: How will it help?

The Hon. A. A. LEWIS: The Opposition has given no explanation for wanting to delete those words.

The Hon. J. M. Berinson: It is a pointless statement.

The Hon. A. A. LEWIS: Mr Berinson believes that a short-term dislocation of the industry would not put people out of work. I wonder how the Opposition can use those words.

The Hon. J. M. Berinson: Not in a way which allows you to understand them.

The Hon. A. A. LEWIS: I listened to what Mr Berinson said and as he will know, I am not unintelligent.

The Hon. J. M. Berinson: Perhaps tired.

The Hon. A. A. LEWIS: Perhaps, but usually when I am tired I get out my dictionary. If I have to do it again I shall do so and usually I am right and Opposition members are wrong.

The Hon. J. M. Berinson: Not the last time.

The Hon. A. A. LEWIS: The Opposition wants to delete that part of the motion which says that the Parliament deplores the institution of this action which it believes is directed against the best interests of Western Australia. Why should the Opposition want to delete those words?

The Hon. J. M. Berinson: To replace them with stronger words.

The Hon. A. A. LEWIS: To replace them with stronger words!

The Hon. J. M. Berinson: Yes.

The Hon. A. A. LEWIS: The Opposition wants to insert the words that the jarrah class action in the United States court is an inappropriate means of taking action. It is certainly an inappropriate means of pursuing a matter that should be determined in Australia. The Opposition is pussyfooting. The matter will be decided in Australia, and it will be decided by this Government.

The Hon. J. M. Berinson: How? Why are you worried?

The Hon. A. A. LEWIS: We are not worried.

The Hon. J. M. Berinson: I thought you moved the motion because you were worried.

The Hon. A. A. LEWIS: We believe the whole thing has to be stopped. Mr Berinson seems to have lost the thread of the whole thing. Mr Dans is not worried, and Mr Berinson was not worried. What is the dislocation of a few jobs here and there? It did worry the member a few moments ago. The Labor Party's amendment states that the elected representatives of Western Australia should assert their right to determine what matters are in the best interests of the people of Western Australia. The Australian Labor Party is trying to have two bob each way. It is about time someone reminded it that there are people's jobs involved, and that there are 20 000 to 50 000 wives and children involved. I do not mind which figures we use. We can use the figures put forward by Mr Bartholomaeus. He said that over 5 000 jobs were involved. Using the multiplier factor, we would get well over 20 000 people being affected.

That might not hurt the Labor Party; it might not be worried about 20 000 people. But I am worried about them. This amendment shows just where the Labor Party stands. It is like it always is with environmental matters—it wants two bob each way. Its members do not have the guts to come out and say where they stand. They want to knock the Government for purely political purposes. They are takers and decriers: they are never constructive about anything.

THE HON. V. J. FERRY (South-West) [8.30 p.m.]: I oppose the amendment before the Chair to delete certain words from the original motion. I will endeavour to advance one or two arguments as to why those words should not be deleted. It has been interesting tonight to hear the performance of the Opposition, if one could call it a "performance". The Hon. Des Dans, the Leader of the Opposition, earlier this evening said the original motion was designed to embarrass the Opposition. May I say the Government does not need to embarrass the Opposition because the Opposition can do that by itself, and has done so quite frequently. The Hon. J. M. Berinson suggested something about a blank cheque and made remarks about the Australian Labor Party being totally ignorant about these matters. That may well be the case! It is interesting the Opposition has endeavoured to justify its words which were extremely hollow, and I will say why they were hollow. The ALP could be called the "butter" party.

The Hon. D. K. Dans: Did you say "butter" or "better"?

The Hon. V. J. FERRY: It is the "butter" party. It will agree to a motion before the House, but requires that some words be deleted or added, or that more safeguards be incorporated, and the Opposition ends up in a greasy mess.

All the words in the motion are there for very good reasons. One of them is that the alumina industry in Western Australia provides so many jobs in so many areas, not only directly, but also indirectly. That aspect of the matter has been touched upon by other members, and has been well canvassed. The alumina industry also provides for exports to benefit not only Western Australia, but also the rest of Australia.

The Hon. D. K. Dans: That is said in the motion and we don't disagree with that.

The Hon. V. J. FERRY: In the amendment before the Chair it is proposed to delete reference to export industries being protected.

The Hon. D. K. Dans: The question before the House is the class action. That is what we are worried about.

The Hon. V. J. FERRY: I am speaking to the amendment before the Chair which is designed to delete certain words from the motion. I am advancing arguments as to why those words should not be deleted.

I will refer to the "Monthly Summary of Statistics: Western Australia" of March 1981 produced by the Australian Bureau of Statistics. Without repeating boring details I refer to the fact that Western Australia in the period 1979-80

earned \$3 854 million-worth of export action, and that meant a lot to the nation. Included in that figure are the earnings of a number of industries, not only the alumina industry, but also the meat, rock lobster, wool, wheat, and all sorts of other industries.

The Hon. Des Dans objects to certain words in the motion; therefore it seems he is not concerned about the industries of this State. If the class action in the United States were to succeed it would mean a severe curtailment of the Australian alumina industry.

The Hon. D. K. Dans: That is why we oppose the class action.

The Hon. V. J. FERRY: A successful class action would curtail the alumina industry in Australia, if not for all intents and purposes cripple it. A tremendous downturn would be borne by Western Australians. If the class action succeeds, probably we will have similar actions in other areas. People could be concerned about rock lobster exports; they might feel that the poor little rock lobsters should not lose their tails which are the parts of the lobsters exported. We could have people say that we should not kill sheep, cattle, or whatever for export, and if they succeeded the results would be catastrophic to the industries concerned. Nobody would suggest now that sheep should not be shorn, but perhaps people will say if the present class action succeeds that sheep should not be shorn because they will catch a cold. In fact, some do when a cold snap comes on just after shearing. Some people may say that vegetables should not be grown because they extract nutrients from the ground, but if we did not grow vegetables we would die. These are examples of the ridiculous sorts of actions that could be brought on. They would be totally contrary to the beliefs of this Parliament, and we as legislators should guard against such actions.

I refer to the words that are proposed to be deleted, and give special attention to those relating to environmental matters and conservation and environment requirements. The Opposition wants to delete those words because it does not want the world to know how we think about these things. It wants to take out the part that says the companies have shown themselves to be responsible and law-abiding, and have demonstrated an overwhelming desire to be part of the community and comply with all applicable laws. The original motion goes on to say that developments have been subject to strict controls and that the companies have at all times shown a willingness to co-operate with the Government and Government authorities, as well as the community at large.

The Hon. J. M. Berinson: When have we denied that?

The Hon. V. J. FERRY: The Opposition does not want such statements incorporated in the motion.

The Hon. J. M. Berinson: For the reasons we gave.

The Hon. V. J. FERRY: So why do not Opposition members stand up and be dinkum about this matter?

The community at large is well acquainted with Alcoa of Australia which has a proud record of supporting projects not only in this State, but also in Australia as a whole.

The Hon. D. K. Dans: I agree with you.

The Hon. V. J. FERRY: It has supported universities—

The Hon. D. K. Dans: Junior yachting.

The Hon. V. J. FERRY: —and has carried out excellent research into jarrah dieback, as it is commonly known, which research has enabled the protection of our environment.

The Hon. D. K. Dans: Athletics.

The Hon. V. J. FERRY: Alcoa of Australia has been willing to assist us with the problem of dieback, and that is to its credit.

Earlier I referred to export action. In the area of the south-west, part of which I represent, we are proud and happy to have the modern inland harbour at Bunbury. How did it get there? It did not get there by accident. The State Government led by Sir Charles Court provided money for it, as did Alcoa of Australia and others. Alcoa supplied a large amount of the capital, and without its participation that harbour would not be there today and would not service the south-west of Western Australia. We would be forced still to send our produce to Kwinana or Fremantle which would not be in the interests of decentralisation. We were very grateful indeed to have the co-operation of private enterprise in a Government venture to foster export action. Therefore I was pleased to see reference to these matters in the words of the motion, words proposed to be deleted by the amendment before the Chair. I am very much against the deletion of any words and I support the original motion.

As was mentioned by another speaker, the Opposition has been extremely shallow in its approach to this matter. I say again that it is a "butter" party; it likes to have it every way it can, but does not like to do the job.

I do not want to take up the time of the House—

The Hon. D. K. Dans: Don't worry; keep going.

The Hon. V. J. FERRY: —because I believe the matter has been well canvassed. However, I will refer to a report in *The West Australian* of 3 March 1981 which in part reads—

A leading trade unionist and member of the ALP executive has strongly criticised the WA Conservation Council's United States writ against Alcoa and the Reynolds Metal Co.

Mr Frank Konecny, who is also a Kwinana town councillor, defended Alcoa's environmental record.

He said he believed that it was only through Alcoa's environmental expertise and finance that a breakthrough in jarrah dieback would be found.

At present Alcoa's mining operations were in a forest doomed by dieback.

The dieback had been there long before Alcoa began mining for bauxite, but Alcoa's reforestation programme was the most likely to find an answer to the dieback, which had baffled Australian foresters and scientists.

Mr Konecny has been an Australian Workers' Union shop steward at Alcoa since 1967. He has been the Kwinana AWU president and a member of the union executive.

He was endorsed by the ALP as a candidate for the Kwinana council.

"Any threat to Alcoa is a threat to the Kwinana and Rockingham districts, where 80 per cent of Alcoa's workers live," Mr Konecny said.

"Any curtailment of its operations would be catastrophic.

"Alcoa provides employment and opportunities for the district. It is most community-minded and has helped to fund many projects.

"It was most generous in helping establish a handicapped children's centre at Rockingham recently.

"The Kwinana area has one of the highest school-leaver unemployment figures. Any threat to the district's major employer will not help these youngsters."

Mr Konecny said that Alcoa had a good environment record, and its environmental studies were most reasonable.

"The Conservation Council has launched this writ for its own selfish ambitions," he said.

The writ is full of half-truths—claims taken out of context.”

I read the report to illustrate that the firm being assailed by the Conservation Council of Western Australia in a foreign court is supported by one of the firm's workers who has been with the company since 1967. According to the report he is an acknowledged ALP supporter who has the fortitude to state his case unequivocally. We have had the situation of the Opposition using a “butter” tactic: supporting the motion and saying “but this” and “but that”. I do not think Opposition members are doing the cause of the ALP any good, and I do not believe they are working in the best interests of Western Australia.

I will leave my contribution on that point.

THE HON. W. R. WITHERS (North) [8.43 p.m.]: It is amazing what party politics can do to a Parliament. If before this amendment was put to this Parliament any member of the public went to any member of this House, regardless of the party to which he belonged and spoke to him about this matter, the member of the public would assume that all people in this House oppose the jarrah class action in the United States. From listening to the speakers tonight, regardless of the side on which they sit, one would believe they oppose the jarrah class action. Yet we are now here debating an amendment which requests the Government, the members on this side, to take out the words that explain the reasons for our objection to the class action.

One could ask a person unbiased in regard to the political sphere—no particular war or side to take with any particular party in this House; and, say, a person with very good knowledge of the English language such as a top-class journalist or a *Hansard* reporter—about this motion. If asked “We are being asked to take out some words from this motion; will you please tell me what your reaction is?” I feel that any unbiased person would reply “Well, really, the only need for taking out these words would be to remove your explanation of the reasons for the motion”. That would be my assessment and I am sure it would be the assessment of any sane thinking person.

Instead, we have members of this House, on both sides, standing up and talking on matters which are removed from the issue. We all agree on one thing; that is, we oppose the jarrah class action. Everyone has said that he is opposed and surely anyone of responsibility overseas, within this Federal Government, or within this country is opposed to something which is being done by a group of Australians overseas. We wish to lodge

an objection and surely we must give logical reasons for our objection. It is not good enough to say “We object to this.” It is not good enough to say “We do not like it”. We must give specific reasons and I believe the motion has done this.

Therefore, I am speaking against the amendment which attempts to delete those words which give our meaning to the rest of the world—that we all, in this Parliament, object to the jarrah class action in the United States.

THE HON. I. G. PRATT (Lower West) [8.47 p.m.]: I do not wish to go into detail about the actual words to be deleted because I feel confident the amendment will be defeated. However, I wish to make the point quite clearly that I can see no reason for the Opposition's amendment. As Mr Withers has said, everyone has, in a token manner, said that he objects to the class action. When the Leader of the Opposition was moving this amendment he spoke about the contents of the motion. At that stage, I asked him about the particular items with which he disagreed. His answer was “I don't disagree with them”. If he does not agree with them, then what is the reason for his wishing to remove them? I cannot see any reason for one wishing to remove something with which one does not disagree.

Mr Ferry quoted the words of Mr Frank Konecny who is a councillor on the Kwinana Shire. The words Mr Konecny had used did not cover as wide a ground as the motion used, but said basically the same sorts of things. I cannot understand the reasoning of members of the Opposition. It is like one sending a dinner back to the kitchen because one does not want the peas. If one orders a steak and the steak comes with peas, one does not put on a big show about it; one puts the peas to the side of the plate.

The members of the Opposition do not object to the motion and they do not disagree with it. I believe the people we represent wish to know what the motion is about.

The Hon. R. Hetherington: Puffed-up nonsense.

The Hon. I. G. PRATT: The people expect the motion to be spelt out just as Mr Frank Konecny spelt out his views on the matter. He is not the only strong unionist who has supported the same sort of ideas as has the Government with regard to this class action. If the union people and the people involved in the jobs are prepared to spell out the matter then why is not the Opposition prepared to support it? I do not think we can pick out a reasonable explanation for this amendment and I oppose it.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.50 p.m.]: It will come as no surprise to the Opposition that the Government is completely and absolutely opposed to the amendment which has been proposed. The Government could not accept such an amendment because it simply turns the entire wording of the motion around, except for the first five words. The amendment seeks to delete practically all the words in the motion and there is no support in the amendment for the industry or anything to indicate that the industry is at risk as a result of the action which is being taken in the United States.

The proposal is that the proceedings in the United States are inappropriate because it is a matter which should be properly determined in Australia. However the amendment does not say whether the people in this industry should be supported or whether the people in the industry are at risk as a result of the proceedings. I do not think anyone would be so bold as to say that the industry is not at risk: of course it is.

Mr Berinson said that the Conservation Council would stop the mining altogether if it had half a chance. He said it would stop it altogether. Surely that is a good reason for the words of the motion and, in the circumstances, I believe there is nothing further to add except to say that we oppose the amendment.

Amendment put and a division taken with the following result—

Ayes 8	
Hon. J. M. Berinson	Hon. Lyla Elliott
Hon. J. M. Brown	Hon. R. Hetherington
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. F. E. McKenzie

(Teller)

Noes 21	
Hon. N. E. Baxter	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. Tom Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
Hon. N. F. Moore	

(Teller)

Amendment thus negatived.

Debate (on motion) Resumed

THE HON. H. W. OLNEY (South Metropolitan) [8.55 p.m.]: I regret the decision of the House to not delete the lengthy and verbose part of the motion because I think it would have been a better motion if it had simply stuck to the real substance which, I understand, the mover of

the motion wished to convey, and, that is, the opposition of this House and this Parliament to a particular piece of litigation in the United States.

It seems to me rather incredible to hear the Leader of the House suggest that a motion is no good unless it has appended reasons for the passing of the motion. If that were the case, then why do we not have the reasons or a preamble for all our Statutes to indicate to the people who read and debate them what they are meant to be about?

The practice in Parliament is to pass a substantive motion, whether it be a motion expressing a view or whether it be the passage of legislation in the ordinary way. I wish to direct my comments to the total motion and in doing so, indicate the views of the members of the Opposition.

The action in the United States has been described as a class action and there is nothing mysterious about that. There is no significance in the fact that it is a class action because that type of action is a creature unknown in the courts of this country; however, it is something quite familiar in the United States. The significance of the action is that it has been taken in a foreign court, seeking it to impose restraints upon the corporate residents of the country, where that foreign court is situate, applying to those corporate residents' conduct in Western Australia.

We have heard about the resort to courts of foreign jurisdiction and the question of sovereignty, but I must say that those arguments have limited application only. The fact is, from time to time, this Parliament seeks to apply its law beyond the territorial jurisdiction of Western Australia.

We have provisions in the Criminal Code which make illegal certain acts which are committed outside Western Australia. In the Workers' Compensation Act we have provisions for certain circumstances.

The Hon. G. C. MacKinnon: It means they are tied immediately to the State.

The Hon. H. W. OLNEY: The member is making a point which I hope to come to within the next half hour.

Several members interjected.

The PRESIDENT: Order!

The Hon. H. W. OLNEY: The Workers' Compensation Act provides for compensation to be paid in some circumstances, where events have happened outside the State. Indeed, the distinction one can draw is that the legislation of

this Parliament, which I have indicated does apply in some circumstances outside Western Australia, applies in respect of specific laws of the State, whatever the case may be.

The real objection to the action in the United States is that the plaintiff in that action has sought to invoke a foreign court to make a decision which is not based upon the law of either this country or the foreign country. It seeks a remedy which it would appear to me is not really substantiated on any legal base at all.

Before I leave the question of sovereignty, I wish to add that much has been said about the desirability of the Privy Council—which is a court of another country comprised mainly of people of another country—being the final court of review in some cases from the courts of Western Australia. The House will know this is a matter on which I have spoken on a number of occasions since I have been here, and it is a matter which the Government remains committed to retain.

However, as an example of the undesirability of a foreign court having any power or jurisdiction to determine matters applicable within this State, I would refer members to a recent news report concerning the Mr Asia case in the United Kingdom, being heard before a lady High Court judge in that country. It was reported recently that after hearing some evidence about activities in Sydney, the judge said to the witness "Sydney, is that a big town with suburbs like London?" which would seem to indicate she had no real understanding of Sydney, which must be one of the biggest cities in the world.

The Hon. R. J. L. Williams: I am ashamed that you—a QC—should say a thing like that.

The Hon. D. K. Dans: It is true.

The Hon. H. W. OLNEY: The same judge, on the same day, heard evidence about drugs being left in Frenchs Forest, and being transported from place to place. The witness said the drugs had been left in the bush at Frenchs Forest. The lady judge asked the witness "In Australia, what do you mean by 'bush'?" She answered "Well, it is land where there are no houses." The judge said "Oh, you mean countryside." If anything could be further removed from countryside than Frenchs Forest, I would like to know what it is.

That is an indication of why it is very dangerous in any circumstances to allow courts to determine important matters from afar.

The Hon. R. J. L. Williams: You are just contradicting yourself.

The Hon. P. G. Pental: That is what the High Court is going to do.

The Hon. H. W. OLNEY: I agree with Mr Pental's interjection because that is what the High Court will do sitting in Canberra, except for once a year still when it will visit Western Australia. I agree with his complaint because it is always desirable that people who exercise judicial functions should do it in the place where the effect of their orders and decisions will be felt. As a former magistrate I used to do that when travelling around the north for a couple of years. It was my practice to sit under a gum tree or in a shed, wherever it might be, to dispense justice where the need for it existed, rather than force people to go to other places.

The point I am making is that we are opposed to the concept of litigation occurring in the United States which has the direct effect of prohibiting what is, in this State, lawful activity. We concede and admit that the activities of Alcoa of Australia Ltd. are lawful. The company is authorised by Statutes of this Parliament—Statutes which the Opposition has approved and agreed to over the years. It is completely unacceptable that a foreign court should in any circumstances be able to dictate to parties that lawful conduct in this State should be proscribed.

There may well be circumstances where the law of a country in its wisdom is designed for the protection of the people of another country. To take a company out of the air, I can imagine circumstances where a company such as BHP could be conducting activities in a neighbouring country—such as Indonesia—in a way which was detrimental to the good relations between Australia and that country and was exploiting its work force. In those circumstances the Parliament of Australia could justifiably place sanctions on BHP for that type of conduct.

However, that does not appear to be the case here. It appears on reading the rather voluminous verified complaint, which runs into 50 or 60 pages, that the applicant bases his case upon a very tenuous foundation of United States legislation dealing with monopolies, and also some legislation dealing with false advertising. Having referred to that legislation the complaint then seeks to base its case upon the grounds of equity. Mr Yannacone, the attorney concerned, whom I understand is a man with particular views about this type of brief, has written a number of articles in law and other journals in which he has espoused the view that all land is held in equitable trust for the current and yet unborn generations. That is a theory of his; it is not law. I understand that is the theory behind the action, and his theory applied to the present circumstances is that

the Government or the people of Western Australia hold the jarrah forests as an equitable trust for the benefit of a total community, including people yet unborn.

It is on that, I suggest, flimsy basis—and one which as far as I am aware has not found much favour in the United States—that the complaint is laid. Of course, it is on a basis which is unknown in our law, and even given the opportunity to go to a court as a plaintiff in this State, that cause of action would not be available here.

The real problem as I perceive it is that the action seeks to reverse an essentially political decision by judicial process and to that extent I suggest it is an abuse of the judicial process. For that reason we take the view that the action is completely inappropriate.

Now the House will be aware that the Government and the Opposition are as one on the question of whether this action is a desirable means of proceeding. We both say it is undesirable and it should not proceed in this way. However, we are at odds over the manner and the form of the resolution put to the House. To my recollection the Attorney General has not explained the reason for the resolution going further than expressing the view of the House as to the desirability or otherwise of the action. In fact I cannot imagine why it is necessary for this House even to consider such a resolution. It has been canvassed in the Press and elsewhere that the resolution and the appropriate copy of *Hansard* will be sent to Alcoa's lawyers in the United States to use as they think fit. It is apparently considered that what is said in the resolution and in this debate will have some influence on the court in America. I am sure the Attorney General would agree it is a fundamental principle of the English common law—upon which much of American law is based, and in which certainly most of it had its origin—that what happens in Parliament, apart from the actual laws that are churned out, is of no concern to the courts.

I put it to the House that our reciting all the so-called facts—assuming they are correct—in this resolution and passing the motion before us will not make the facts any more true. They will not be made any more true simply by a lawyer being able to say that 86 members of Parliament in Western Australia have agreed to them. Either they are true or not, and our saying they are true or false will not change their character. Any court worthy of that title would in no circumstances look at this resolution and say "Well, here is a Parliament and most of the members have said these statements are facts: therefore, they must be

true." Of course the facts set out in the resolution will have no bearing upon the decision of the Court.

Indeed the United States is a country which has to a large extent overcome one of the problems that we have heard my friend the Hon. Joe Berinson talk about incessantly. The United States has overcome malapportionment of electoral boundaries, and the court may be interested—if it ever reads this debate and gets to the end of it and reads what I have to say—to find that in respect of the lower House of this Parliament the largest electoral area has five times as many electors as has the smallest electorate, and in respect of the upper House the largest electoral area has 17 times the number of electors in the smallest area.

The Hon. P. G. Pendal: That has a lot to do with the motion.

The Hon. H. W. OLNEY: No doubt that will influence the credibility placed upon what this House says about the matter.

The Hon. R. J. L. Williams: Sheer rubbish!

The Hon. J. M. Berinson: It is remarkable how sensitive they are, without doing anything about it.

The Hon. P. G. Pendal: I am simply bored with it.

The Hon. H. W. OLNEY: I am sorry to hear that Mr Pendal is bored, but he will be pleased to know I am just about done.

The Opposition sees this motion as nothing more than a political stunt which will not make any difference to the courts in the United States. It will not make any facts "truer" than they are and it will not make any "facts" more false than they are. So, once again, we are asked to debate a motion which is absolutely meaningless and will have no bearing upon the outcome of the litigation. I suggest the only significant factor to come out of the debate is the suggestion which would have been included had our amendment been passed, which would have said this Parliament opposes the action as an inappropriate means of proceedings.

THE HON. G. C. MacKINNON (South-West) [9.13 p.m.]: Tonight is a sad occasion, and that fact is brought home to me by the Hon. Joe Berinson. I have had quite a deal of experience with one aspect of the argument he put forward, and I use it as an analogy. I refer to the matter of kangaroo products imported into the United States. I accept his proposition that the American Government has little reason to go to the lengths to which it went in accepting court decisions to

which he referred when it banned the import of kangaroo products. That was a mixture of environmental matters and politics, for which the United States has a world-wide reputation—and a bad reputation at that, upon which I will elaborate a little later.

That action would not have been so bad had it not been for the reciprocal action here in Australia. Both actions had their bases in what the general public would regard as the most tawdry side of politics. The United States of America was aware of the vote of the environmentalists; and it still is, in the various Governments at State and Federal level. Of course, they went along with the situation. They banned the importation of kangaroo products.

At the time, the leading person in Australia who had the ability to do something about the situation was Lionel Murphy, who is now an esteemed judge. I remember having a very interesting discussion at the first Australian Constitutional Convention in Sydney when Lionel Murphy was sitting on my right, and there was a very interesting lady opposite. That lady directed the conversation to the kangaroo question. I said to our host "Look, Mr Host, for the sake of peace and quiet, do you think we could not pursue this subject?" Everyone wanted to hear about it, so we went ahead with it. We stopped marginally short of throwing the tomato sauce over one another—that is not quite true, as we had a reasonably civilised discussion.

The point I want to make is that the position would not have been quite as disastrous to Australia had the then Federal Government not been so dependent on the support of Melbourne and Sydney, in which cities the Labor Party had an inordinate number of what have come to be called "greenies". There is no doubt that that type of politics intruded into the kangaroo controversy.

The Hon. J. M. Berinson: Nonetheless, it was the Labor Government that lifted the ban.

The Hon. G. C. MacKINNON: After a tremendous amount of pressure, and after Mr Murphy was made a judge. Be that as it may, this whole situation comes back to the entry of what is regarded as the tawdry side of politics. The situation is exactly the same with bauxite as it was with the kangaroo—

The Hon. D. K. Dans: Not quite the same.

The Hon. G. C. MacKINNON: I am not arguing with the Labor Party on this.

The Hon. J. M. Berinson: I am glad you accept the reasonableness of the analogy.

The Hon. G. C. MacKINNON: I listened to Mr Olney; and as one or two interjections were made, he was about to say he agreed with the substance of the motion. There was the situation in which, for tawdry political reasons, the importation of kangaroo skins to America was banned. In Western Australia we can poison kangaroos; we can slaughter them to waste—and we reached the stage where we had to do that—but we cannot export the skins to America. It was not purely an American action that brought that about; it was political action in Australia which supplemented that action.

I am sad about this motion tonight, irrespective of whether there are too many words in the motion—and in my heart of hearts I am inclined to go along with the Opposition on that; it could have been pruned. It was probably done in a hurry, as most things are in political life. However, that is beside the point. Let us accept that there are too many words in the motion. I still think the Labor Party could have said "We agree fundamentally and basically with what you are doing."

All the rest of it is an attempt by the members of the Labor Party to get themselves off the hook when they go to their next State executive meeting or their State council meeting, when they have to face the "greenies" who have flocked into the Labor Party because it happens to be in opposition. If the Liberal Party had been in opposition and the Labor Party had been the Government, and the Labor Party had brought a bauxite agreement to this House and we had agreed to the bauxite agreement—

The Hon. J. M. Berinson: Well, that did not happen, did it?

The Hon. G. C. MacKINNON: —all the "greenies" would have joined the Liberal Party, and we would have been blocking today, in order to keep on side with them. The Opposition could have agreed with this motion; and I think it is a shame.

The Hon. J. M. Berinson: Do you not think it is a shame the motion went further than we could reasonably be asked to accept?

The Hon. G. C. MacKINNON: My heart bleeds for the Labor Party. As Mr Lewis pointed out, its members are trying to wriggle off the hook. That is the way the system operates.

The Hon. D. K. Dans: How are we on a hook?

The Hon. G. C. MacKINNON: I am not saying that is bad or good; it is just so. We have our cross to bear; members of the Labor Party have their cross to bear. This is one of the occasions when the cross is drawing a bit of blood.

The Hon. D. K. Dans: Tell me what the rest of the resolution does.

The Hon. G. C. MacKINNON: I listened to Mr Olney with a great deal of interest. He said "I don't know anything about the procedures in the courts of the United States of America. I do know that they do this", and he then proceeded to relate what would be done.

The motion will go to the United States of America; and I have no doubt that lawyers will be engaged. Some lawyer will take the opportunity to read in court the text of the motion. Let us accept that it is slightly verbose; but that is quite beside the point.

The Hon. D. K. Dans: Do not read it again. I can hear it in my sleep.

The Hon. G. C. MacKINNON: It is on the record.

The Hon. J. M. Berinson: Is it also on the record that all the bauxite agreements were passed with the support of all parties?

The Hon. G. C. MacKINNON: That only emphasises the point I make. I accept that.

The Hon. I. G. Medcalf: You opposed Wagerup.

The Hon. G. E. Masters: I was going to mention that later on.

The Hon. G. C. MacKINNON: What does it matter one way or the other? I do not bother about that. Members of the Labor Party might have changed their minds since that opposition, and they are sorry they opposed it.

The fundamental basis of the present situation is that we ought to be saying we will not support an action of any sort in a foreign land.

Mr Olney raised the matter of the Privy Council; and during the tea break I took the trouble to check the encyclopaedia to see what it had to say about the Privy Council. The following appears—

Judicial Committee.—This was established in 1833 by 3 and 4 Will. IV, c. 41 (largely on the initiative of Lord Brougham); and by the Judicial Committee Amendment Act, 1895 (as amended by the Administration of Justice Act, 1928) privy councillors who have been colonial chief justices or justices of dominion and colonial superior courts may sit as members.

The right of appeal to the privy council from commonwealth nations has, however, been abolished in some cases, although surviving in a restricted form from Australia and New Zealand. In fact the lords of appeal

in ordinary (who sit in the house of lords as a final court of appeal) discharge most of the work of the judicial committee, with some assistance from commonwealth members.

The point is that the Privy Council is a traditional court of appeal. Probably the time will come when its use will be discontinued.

Here we are faced with the position that the Australian Labor Party, which is adamantly opposed to the use of the Privy Council, is being wishy-washy—

The Hon. J. M. Berinson: No, we are not. We are adamantly opposed to the use of the American court.

The Hon. G. C. MacKINNON: —for tawdry political reasons—

The Hon. J. M. Berinson: Mr Lewis understands that.

The Hon. G. C. MacKINNON: —with regard to this motion. It would have been infinitely better, and infinitely more in the interests of Western Australia, had the Labor Party said "Look, we don't like the verbiage. We don't like the way it is written. It is too verbose; but nevertheless our feelings are so strong that we are going to support you." Then the motion would have been more effective.

Members need to realise the convoluted sort of thinking that goes on. One has to be here as long as I have to be able to follow this sort of thinking. The members of the Labor Party will be able to go back and when Bartholomaeus and his fellows tackle them, they will say "Look, we really did make that motion not very useful because we didn't support it fully." There will be gnashing of teeth, but at least they will have saved their bacon.

The Hon. A. A. Lewis: They hope they will.

The Hon. G. C. MacKINNON: It is a great pity that the men whom I regard as good Western Australians have been forced into the position of having to take this attitude towards the motion.

The Hon. J. M. Berinson: We would not have been forced if the motion had been better worded.

The Hon. G. C. MacKINNON: Members of the Labor Party would have been forced if their organisation had given cognizance to the sort of immediacy and urgency involved in motions like this, when there was the need for a quick decision. There was no time.

The Hon. A. A. Lewis: Were they forced or directed?

The Hon. G. C. MacKINNON: Members of the Labor Party were not directed, because there

was not enough time for direction. They have not been directed as to the course they ought to take, so they are thrust upon their own devices.

The Hon. D. K. Dans: Let us speak for ourselves. You heard the answer to Miss Elliott's question tonight.

The Hon. G. C. MacKINNON: In the certain and sure knowledge that when they return to Trades Hall, or Curtin House, or wherever it may be—

The Hon. D. K. Dans: The Labor Centre.

The Hon. G. C. MacKINNON: —they will receive "Larry billyo"; and I am sorry for them. However, I am sorer still for Western Australia because, as I say, this debate should have been over before tea.

The Hon. D. K. Dans: I tried to make it that way.

The Hon. G. C. MacKINNON: Mr Dans should have said "We disagree with some of the words. We would have liked the opportunity to write the motion ourselves; but we were not asked." That would have been a good political point to make.

The Hon. Neil McNeill: They could have moved it.

The Hon. G. C. MacKINNON: Mr McNeill has put his finger right on it, as he frequently does. If Mr Dans had been quick enough, he could have seconded the motion; we could have carried it; and it would have been over and done with. That would have contributed to the efficacy of the motion when it was read before the court in the United States.

The Hon. D. K. Dans: It would not make a scrap of difference.

The Hon. G. C. MacKINNON: Let us not be too certain about that. It could have made a difference in the action taken subsequent to the court decision.

The Hon. D. K. Dans: I hazard a guess it will not even be presented in the court.

The Hon. G. C. MacKINNON: A little while ago Mr Dans was offering to bet; but that is something which is illegal in this place.

I repeat the point on which I started. It is a sorry day for Western Australia when we see the sort of political philandering that went on with the kangaroo business now going on in relation to this matter. We must decide whether this Parliament can approve an industrial agreement, and have it pursued to the letter of the law.

THE HON. P. G. PENDAL (South-East Metropolitan) [9.30 p.m.]: I want to make a brief

contribution to the debate and to support the motion. The short speech I shall make is in the form of a rather long question directed to the Attorney General. I say that, because I believe it is possible that there exists already a mechanism in Australian law by which the class action launched by Mr Bartholomaeus could be ceased and indeed aborted without any of the activity in which we are engaged tonight.

I should like to read an extract from a debate which took place in the Commonwealth Parliament. In particular I refer to the Foreign Proceedings (Prohibition of Certain Evidence) Bill 1976 which was introduced into the Federal Parliament on 18 November 1976 and which became law later that year.

As everyone who has spoken in the last half hour appears to have been trying to adopt a bipartisan approach to the debate, I suggest this particular piece of Commonwealth legislation has been given scant attention by all of us and that it may provide the mechanism by which a halt may be called to the efforts of Mr Bartholomaeus.

One of the interesting comments made by the then Attorney General in introducing the legislation reads as follows—

Its purpose is to enable the Government to make orders in situations in which they appear to be needed to ensure that documents in this country are not able to be produced to courts or tribunals in other countries. There are provisions to directly prevent this from being done and there are other provisions to prohibit persons in this country from taking any action which might lead indirectly to that result.

The Attorney General in the Commonwealth Parliament later went on to make it clear that the provisions of the Bill were directed at the protection of documents which were located in Australia and, as he put it, "the conduct, in certain circumstances, of persons who are Australian citizens or residents."

He went on to point out that the legislation which was passed some days later—it was regarded as emergency legislation—would not operate in all circumstances, but that it would operate under circumstances where the Attorney General of the Commonwealth issued certain orders, and that was to occur under clause 4 of the Bill.

In short, the Commonwealth Attorney General, in the circumstances, would have to have satisfied himself that documents were being required by a foreign court or tribunal "... in breach of the principle of international law or community or

that the making of an order is necessary for the purpose of protecting the national interest."

There is probably no dispute amongst members of either this Chamber or the other place—I have read the debate from the other place and listened to the comments made by Opposition members here tonight—that the question of Australian sovereignty is at stake in the action being taken in the United States court. This particular piece of Federal legislation contains a provision—at least the intent is there—for the protection of the Australian national interest and I suggest the Australian national interest is very much equated to the matter of sovereignty about which many people have been talking.

A sentence which appears in the report of the debate which occurred on that occasion more than anything else sums up the powers intended under this Commonwealth law and it reads as follows—

The Bill is not confined to documents or evidence relating to uranium . . .

By way of explanation I indicate the Bill was introduced as a result of the Westinghouse Electric Corporation's civil action taken in the United States against certain uranium producers throughout the world, four of which were Australian uranium producers. To continue—

The Bill is not confined to documents or evidence relating to uranium, but the legislation will be available to be used whenever the need for it may arise in other contexts.

I do not pretend to be a lawyer, but in the second reading debate where the general content of the Bill is explained, I suggest the words "in other contexts" may well be the mechanism which can be applied, firstly, to cease, and, secondly, to abort immediately the action taken by Mr Bartholomaeus.

The Hon. D. K. Dans: I think that Bill was supported by all parties of the Parliament.

The Hon. P. G. PENDAL: I agree with the Leader of the Opposition. I said earlier my speech was really in the form of a long question to the Attorney General. Quite sincerely I ask the Attorney General to contact his Commonwealth counterpart and to discuss with him the possibility of issuing an order under the foreign proceedings legislation of 1976 in order to put a stop to Mr Bartholomaeus' action.

The Leader of the Opposition interjected a moment ago and suggested this legislation in the Commonwealth Parliament received bipartisan treatment. That was certainly the case and I intended to make that point. Indeed, the present

deputy leader of the Federal Parliament Labor Party, who held a different position then, made the following comment—

We recognise the immediate need for the Bill. It appears that an American company is trying to use American laws to break contracts entered into outside Australia and this is not what we would favour.

That is a fair comment and I answer it by saying that, in this case, we have a group of Australians who are trying to achieve precisely the same ends as the Americans were said by Mr Lionel Bowen to be trying to achieve. I suggest it is equally as iniquitable.

A little later on when discussing that legislation the then Attorney General followed up by saying—

The other basis for this matter is that the national interest may, in certain circumstances, require that certain documents or evidence be not made available and may not be made available, not to an Australian tribunal but to a foreign tribunal.

Again that is something with which all parties in this Parliament would agree, because it involves the national interest which we have agreed is a bipartisan matter and is linked with the sovereignty question.

My contribution, for what it is worth, is intended at least to be a genuine inquiry of the Attorney General, notwithstanding anything that may be passed in this House tonight as a back-up measure to what was passed in another place a few days ago, that we have a fairly urgent look to see whether this 1976 Federal legislation can be used to put a quick stop to Mr Bartholomaeus.

THE HON. G. E. MASTERS (West—Minister for Conservation and the Environment) [9.38 p.m.]: I should like to make a few remarks in regard to the environmental aspect of the matter, because when we look at the class action and see what it is trying to do, we find it is clearly criticising the Government's environmental policy. The whole action is based on the environmental effects.

It has been said tonight the people of this State could consider the action being taken in the United States as an insult to them and to their Government and I believe that would be right. It is fair to say some of the people who are taking this action seem to be obsessed with their own importance, with paddling their own canoes, and with obtaining as much political gain as possible.

I doubt whether the people concerned are achieving their aim. In fact I believe they are

going backwards very rapidly, because members of their own party are criticising them tonight.

The Hon. D. K. Dans: The Labor Party did not take this action.

The Hon. G. E. MASTERS: The Leader of the Opposition should let me finish. I am saying members of the Labor Party took this action.

The Hon. D. K. Dans: That is not true.

The Hon. A. A. Lewis: You are attempting to get off the hook.

The Hon. G. E. MASTERS: The leaders of the action group have been greatly involved in attacking the Government in all fields and particularly in relation to the environment. They have attacked the Government for its policies on bauxite mining, wood chipping, salinity, and the Woodside development project. Indeed, one of the leaders of the group was also the leader of the group which criticised the Government for closing the Fremantle-Perth railway.

The two main leaders of the real power behind the scenes are members of the Labor Party, both of whom stood for Parliament at the last election.

The Hon. D. K. Dans: An ex-member of the Liberal Party.

The Hon. G. E. MASTERS: The Leader of the Opposition may be right, but this person is very much in the Labor Party's camp at the moment. As I understand it, he is the chairman of the industrial committee of the Labor Party. If that is the case, I suggest we should be concerned about it.

The Hon. D. K. Dans: No, he is not.

The Hon. G. E. MASTERS: That is what I was told.

The Hon. D. K. Dans: He is the chairman of the development committee.

The Hon. G. E. MASTERS: I suggest this person is well and truly involved. There is no need for the Leader of the Opposition to squirm—

The Hon. D. K. Dans: There is no question of my squirming.

The Hon. G. E. MASTERS: The plain fact is, that this person is an active member of the Labor Party and he will continue to be unless he is thrown out.

The Hon. D. K. Dans: A total of 30 groups are involved. Many members who support you are part of the action.

The Hon. G. E. MASTERS: I apologise for upsetting the Leader of the Opposition, but I just wanted to draw his attention to one or two facts of life.

On page 5 of the Speech made by the Governor at the opening of Parliament the following statement appears under the heading "Fisheries, Conservation and the Environment"—

Achieving a balance between sound economic development and environmental protection remains one of the Government's prime objectives.

That is quite true and we have followed that policy since we have been in Government.

The Hon. D. K. Dans: What are you getting so upset about?

The Hon. G. E. MASTERS: I am not upset. The point I am making is this: This class action is based on a criticism of the Government's environmental policy. I have not heard the Opposition say the Government's environmental policy is right. It has criticised the action, but it has not made clear whether or not it would support the action if it were taken in this State.

On a number of occasions, members opposite, particularly the Hon. Mr Berinson, have said the Labor Party supported the bauxite agreements right along the line. However, Mr Dans knows better than that, because when Parliament was debating the Alumina Refinery (Wagerup) Agreement and Acts Amendment Bill he had this to say—

I think everyone in the House would agree that this has not been one of the best nights for me in this House for a variety of reasons. Let me be quite clear that I am opposed to this Bill.

That statement appears at page 1400 of *Hansard* of 4 May 1978. A number of other members, including the Hon. Roy Cloughton, opposed it also. However, on that occasion Mr Dans opposed the agreement and I should like to draw that to the attention of Mr Berinson, because I believe he was under some misapprehension in that regard.

The Hon. D. K. Dans: Don't be selective.

The Hon. G. E. MASTERS: The Labor Party does not have a particularly good record of supporting industrial development, bauxite mining, or the creation of jobs in this State. Indeed, I repeat, that on one occasion the Labor Party opposed bauxite mining.

Our Government has an excellent environmental record and this is borne out when one examines its activities in the fields of national parks, reserves, and conservation. The record of this Government in those areas is available to anyone who may wish to inspect it and it shows the Government is environmentally conscious.

The Government is different from the Labor Party in that when it talks about the environment, it not only talks about the natural environment—everyone understands that, even the Opposition—but also about the human environment; that is, the way people live, the jobs they have, how they live in their homes, and all the other aspects of life which have to do with development.

The Hon. D. K. Dans: What does that have to do with the class action?

The Hon. G. E. MASTERS: I am talking about conserving the environment and a balanced development.

The Hon. D. K. Dans: You must be afraid of it if you are carrying on like that.

The Hon. G. E. MASTERS: I am not afraid of it at all. I am just telling the Opposition a few home truths. It needs to be pointed out to members of this House who perhaps have not been here as long as have Mr Dans and a number of other people that we are a party very much concerned about jobs. When we see an opening to promote better job opportunities and at the same time balanced development, we will take it.

It is fair enough that the Australian Labor Party is embarrassed over the activities of Mr Bartholomaeus. Consistently the members of that party have met him and his people at the doors of this very House of Parliament, and they have spoken to them when they have marched up and down incessantly.

The Hon. D. K. Dans: You mean "regularly".

The Hon. G. E. MASTERS: Well regularly or incessantly, certainly on a number of occasions. I am quite sure that Mr Dans has addressed these groups.

The Hon. D. K. Dans: Did you say I had addressed them?

The Hon. G. E. MASTERS: They are Mr Dans' people, and have been all the way along. One could say that the ALP's chickens are coming home to roost. As the Hon. G. C. MacKinnon said, the Opposition is now in a fix and it is trying to squirm off the hook.

The Hon. D. K. Dans: You are not worried a stick about the class action; you are trying to make political capital out of it.

The Hon. G. E. MASTERS: The people who commenced this class action in America are trying to destroy our economy. They do not give a hoot about jobs and development; they see this as an opportunity to use their money and the public money to pursue their cause in America.

The Hon. D. K. Dans: If you are so right you have nothing to fear.

The Hon. G. E. MASTERS: The Opposition has reached the end of the road. Its members are squirming and trying to get off the hook. They are trapped by something of their own making. The class action will not succeed, but if it did, tens of thousands of jobs would go to the wall. The Opposition knows as well as I that it must not happen. We cannot have the livelihood and homes of so many men, women, and children threatened.

The Conservation Council of WA is going to the United States and spending something like \$100 000 on this class action. That is the figure that has been bandied around.

The Hon. F. E. McKenzie: Where did they get that money from?

The Hon. G. E. MASTERS: Some money has been obtained from supporters here, and some from supporters in America. Some of the money has come from our taxpayers, because they pay towards the Conservation Council.

The Hon. F. E. McKenzie: How do you know so much about it?

The Hon. G. E. MASTERS: I can tell the honourable member that \$13 200 was given to the Conservation Centre and \$8 000 to the Conservation Council. The allocation of that money has enabled the council to take the action in America because it has relieved it of the burden and cost of administration and so its own money can be used for such purposes as the class action.

I suggest that if the council has some money to spare, it should use it to fight dieback. That is the great killer in the forests of this State.

The Hon. D. K. Dans: Are you suggesting that they should mine the Darling scarp to control dieback?

The Hon. G. E. MASTERS: I did not say that at all. I said that there has been dieback in the jarrah forest for years and it is a killer. It will continue to be a killer until we can learn to control it. Money spent on the class action could be better spent in the fight against dieback.

The Government policy on bauxite is quite clear. We are adamant in our demands that the most stringent conditions in the history of industrial development apply to bauxite mining. Mr Deputy President, you, being a representative of the area, know as well as I the controls under which these companies must operate. It has been said that the Government is not concerned totally with the environment. Many people say that our aim is development at all costs. That is not true.

We have an Environmental Protection Authority composed of three independent people who have looked carefully at the operations of the bauxite mining industry. In fact, they look at any industrial development. Mr Dans said we are frightened to discuss the motion too much because information will come out that would not otherwise be available.

The Hon. D. K. Dans: I did not say that at all.

The Hon. G. E. MASTERS: I wrote it down as he said it.

The Hon. D. K. Dans: Then you cannot hear and you cannot write. I said it may come out in the courts in America.

The Hon. G. E. MASTERS: I am saying that there is no information that is not freely available to the public.

The Hon. D. K. Dans: Tell me the cost of a tonne of alumina?

The Hon. G. E. MASTERS: Let me finish, Mr Dans. The Leader of the Opposition has no understanding of the procedures adopted before the development of bauxite projects. I have quite a few books here and I suggest that Mr Dans should look at them. He would then perhaps understand the amount of work involved in the environmental field before any project goes forward. This large book I am holding in my hand records the ERMP to the EPA in regard to the Wagerup project which the EPA rejected as being not sufficient in detail and which was improved with a further documents.

The Hon. D. K. Dans: What has that to do with this debate?

The Hon. G. E. MASTERS: The debate is about a class action, and the class action is about criticism of the Government's policies.

The Hon. D. K. Dans: Get in the court and argue that.

The Hon. G. E. MASTERS: It is worth putting on the record, even if it does embarrass the Leader of the Opposition.

The Hon. D. K. Dans: It does not embarrass me at all; that is not what we are arguing about.

The Hon. G. E. MASTERS: All these documents are freely available. The Government cannot be criticised for lack of information. It is here for everyone to read. These books can be obtained from the department, or through me.

The three agreements with Alcoa and the one with Worsley were subjected to rigorous examination. The environmental review and management programmes were discussed. These programmes are submitted to the department,

then to the EPA. They are open to the public for comment, and they then go to the Government for its recommendations. The State Government requires the ERMPs, and I emphasise that it is the management programme in which the Government is interested. Environmental impact studies are different from ERMPs which concern the future and the effects of the future planning of the industries concerned.

If there is to be any criticism at all, certainly it cannot be levelled at this Government. It has laid down many requirements and stringent conditions for all industrial development.

I want to draw attention to Alcoa, because this is one of the companies which has been criticised by a large number of people. The class action in America is a direct criticism of Alcoa's operations, as well as those of the State. Alcoa is a model company. It has spent \$5 million to \$6 million a year on environmental control. It has spent \$3 million to \$4 million on rehabilitation, and nearly \$2 million on research. They are big sums of money in anyone's book.

Much of the money spent by Alcoa has been for the control of dieback. The area of jarrah forest covers about 1.4 million hectares—an area about half as big as the country of Belgium. Approximately 0.3 per cent of that area has been mined so far—a very small percentage indeed although some people would have us believe that the whole forest is being knocked down. Dieback has affected about 30 per cent of the forest over a number of years. So we should be concentrating our efforts on the control of dieback rather than on worrying about an industry which is well and truly kept in check by all the environmental controls of the State Government.

We must face the fact that dieback must be controlled in some way or we will have no jarrah trees. It is a matter of "conquer or die"—that is the challenge we face. The companies are creating jobs and the Government is doing its best to promote this State. They are not the ones to be worried about.

I consider that the class action being taken in the United States is an insult and the motives behind that action are not what they seem to be. It is very sad indeed when someone is seeking to destroy the economy of this State.

I am pleased the Opposition feels also that the action should not be taken. However, I have not heard one word tonight about whether the Opposition would support such an action if it were taken in this State.

THE HON. P. H. WELLS (North Metropolitan) [9.55 p.m.]: My comments to the motion

will be brief because much of the area I wished to cover has been referred to already. I am rather sad that the Opposition could not see its way clear to support the motion moved by the Government. The Government took a positive action, and yet the Opposition opposed it.

Many of the reasons given for opposition to the motion related to the use of the motion itself and of the debate surrounding it. The Hon. H. W. Olney asked whether anyone outside these walls would bother to read *Hansard* or even the motion. I would like to draw the attention of the Opposition to the document which the Conservation Council of Australia has presented to the United States District Court of the Western District of Pennsylvania. In support of the case being presented to the court, in section 87 of the document, a quote from *Hansard* of 5 September 1961 appears. So it is clear that past debates are being used already by those involved in preschting the case.

I am not involved in the law—and thankful that I am not. I suggest there is some merit in the Government of this State making very clear its stance. It may well be that the Opposition queries certain words, but it should not seek to wipe the whole motion out on the grounds it has suggested. As I have stated already, the Conservation Council relies on a past *Hansard* debate. If there is a chance of words used in this House being quoted, we should make our feelings very clear.

Despite the fact that the Opposition could not accept the whole motion, it was pleasing to hear its members agree that the right of this State and of Australia to make laws in relation to our resources should be upheld, and to that degree members of the Opposition agree that bauxite mining is a legitimate industry which they have supported in the past and which they support now.

The Hon. G. E. Masters referred to environmental protection. No-one has been able to say that the company concerned is not meeting the environmental requirements of this State and that therefore it is not desirable to have it operating in this State.

I would have thought the Opposition would want to stand alongside the Government in regard to this motion and to show a united front, not only to the people of this State, but also to people overseas, that we believe the sovereignty of the State should be protected. We want to protect the reputation of our country, and we want to be seen to be a country in control of its own destiny. We are not prepared to accept courts in other lands telling us how to handle our development.

In fact, the implications of this class action are quite terrifying. If it were successful, one could see similar actions being taken against United States-based companies like Amex, Utah Coal, Savage River Mines, Freeport Minerals, Greenvale Nickel, and many other such companies operating in Australia. Even GMH and Ford might be subject to such a class action instigated by a group of people who were objecting to the pollution of the atmosphere caused by those companies' vehicles. It could create real problems in our total economy.

These companies have been encouraged to establish themselves in Australia, and the Governments have laid down parameters within which they should operate. The implications of success in this action are far-reaching, especially when one considers the domino effect, and what could happen in regard to the North-West Shelf project, in terms of the fact that project looks forward to making a major contribution to the bauxite mining industry by the provision of huge quantities of natural gas.

What about the 49 per cent of Alcoa's Australian capital? When this matter was reported in an American newspaper, the journalist referred to the "\$2 billion operation of Alcoa"; what would happen to the Australian component of that capital? We must also not forget that in 1980, Alcoa paid some \$4.6 million in royalties.

It has been stated by the Attorney General that class actions in America are a lawyer's haven. I heard interjections from the Opposition casting doubt on the percentages lawyers received for these actions. I refer members to the 4 August 1980 edition of the magazine *Forbes*, in which an article appears under the heading "Getting into those deep pockets" and the sub-heading "The multimillion-dollar class-action-type lawsuit may be just the juiciest thing that has ever happened to the U.S. legal profession."

The article contains a list of fees earned by lawyers, all of which are in the millions and some of which are in the tens of millions. The article refers particularly to a lawyer by the name of Pat Maloney, who has made millions of dollars in the class-action or product-liability game. The article states as follows—

Maloney's San Antonio firm employs 12 lawyers but bears one name, Pat Maloney's. It operates out of a 100-year-old bank building renamed the Maloney Building. "I think it is crass to discuss how much we make," he says, coyly adding: "I'd be surprised if there are any corporate executives making as much as I do."

He can say that again: Maloney apparently won a \$10.6 million fee under his usual 40 per cent contingency arrangement when he got a \$26.5 million award for four people burned in a 1975 Texas propane explosion.

The Hon. J. M. Berinson: Does the firm have room for a partner?

The Hon. P. H. WELLS: I thought perhaps Mr Berinson might like to transfer over there.

The Hon. J. M. Berinson: I was thinking more of the Attorney General.

The Hon. P. H. WELLS: The article continues—

"We got 52% of a \$50 million verdict, and it's still the largest settlement in the history of the U.S. You are talking to the fellow who has the most million-dollar verdicts in the history of the U.S."

It is almost frightening to read of the sort of costs involved in this type of action. It is no wonder lawyers like class actions of this type. The article goes on to explain the court charges and procedures. What is going to happen while this matter is delayed, and while the various lawyers are preparing their arguments?

I return to my earlier remarks that it is with disappointment I see the Opposition is not standing beside the Government on this matter. Apparently even the *Hansard* report has already been used by the American lawyer in the preparation of his brief. That being so, it would be more appropriate for the Government to have the support of the Opposition in the stand it is taking on this matter. The Government has made a very sound move in submitting its motion to this Parliament in this particular form.

I therefore support the motion.

THE HON. I. G. PRATT (Lower West) [10.06 p.m.]: I wish to support the motion and I do so without any view to my remarks and the motion itself being used in any court case, anywhere. If the motion is used, all well and good; if not, the motion still serves a very valuable purpose in Western Australia.

The motion commences with the words "The Parliament of Western Australia views with grave concern" and then goes on to present our view. It establishes our position in regard to this action. As an expression of view, I think it is legitimate and fair the motion should explain why we have that view, and it goes on to do so.

It is not an extremely long motion; in fact, it covers less than one foolscap page. I do not think anyone could say it is a tremendously lengthy

statement of position or view on this important subject. However, the matters contained in the motion are extremely important.

Like most other members, I do not get very much time to listen to the radio; we are just too busy. However, when I am driving around from place to place in my province, or driving into Parliament House or home again, I have the radio on and very often listen to "talk-back" programmes. No doubt other members over the past week or so have also listened to some of these programmes on which this matter has been discussed by the public. It is really frightening to hear the lack of understanding displayed by the people who telephone radio stations and express their opinions and, frequently, also displayed by those conducting the "talk-back" programmes.

As the Minister for Fisheries and Wildlife said earlier, there is a wealth of information on this matter, setting out all the agreements and the conditions imposed by the Government; however, to get the people aware of this information is a tremendous task. So, it is very important that we pass a motion in this House tonight which sets out not only our objections to the class action, but also quite clearly the reasons for our objections: it should set out the fact there are conditions on the mining of bauxite and that the company carrying out the mining—Alcoa—is fulfilling its responsibilities; the motion should clearly set out the importance of the North-West Shelf project as a future supplier of massive amounts of natural gas to the bauxite mining industry; it should set out the importance of the industry to the future employment prospects of young Western Australians.

One of the things which concerns me in listening to the type of radio programme to which I have referred is the fact that, more than once, people have described the jeopardising of employment prospects, as "holding a gun to the head of Australia". What utter rot and complete drivel to be put out over the radio to thousands of people, many of whom will accept the statement as fact.

If we were not concerned with employment prospects, and if this class action were successful, and cost people their jobs, we would have no right to be in this place.

The contents of the motion are very important, because they involve items which I find are raised in conversation with me by my electors. The electorate of Lower West Province contains three areas of significance to the bauxite mining industry. Within the Dale electorate we have the Jarrahdale operation; within the electorate of

Murray we have the Pinjarra-Dwellingup operation; and, of course, within the electorate of Rockingham we have many people who depend on Alcoa for their employment. So, members can realise the bauxite mining industry is very important to me and I am very aware of the importance to the people I represent of the continuance of this industry, so long as it continues to operate properly as it has in the past.

The importance of bauxite mining to the North-West Shelf project should not be overlooked. Once again, I have heard it said on radio and have read in the Press the same expression "holding a gun to the head of Australia" used to criticise Alcoa for suggesting that if the class action were successful it would not be able to honour its commitment to use the gas produced from the North-West Shelf, which is such an important aspect of that project.

It is a matter of simple logic that if Alcoa were put out of business, it would not be able to use the gas, and a very important segment of the North-West Shelf project would be lost.

It is not a matter of anyone holding a gun at anybody's head; it is a matter of people being honest. These people would have been far more honest if they had not tried to pretend that such a thing could not happen.

The track record of the United States in environmental matters already has been mentioned. Mr Berinson referred to the banning of the importation of kangaroo skin products, as did Mr MacKinnon. I agree with the point they made: namely, that we cannot necessarily expect a rational assessment to be made in America of the situation which exists in Australia.

So, it is important we oppose this class action and make the people we represent well aware of the reasons we have opposed it: they are all embodied in this motion.

Earlier tonight, we divided on the matter of the Opposition's amendment: it was unsuccessful. I hope that now the Opposition has had its little dash, it will lend its support to the motion. It is a most worth-while motion, and it does include the words "The Parliament of Western Australia views". I believe those words are extremely important. Everyone knows what the Government's views are on this matter—that we are against the class action and support sensible bauxite mining.

However, when a motion like this is passed, it would add that much extra weight to have the unanimous support of the Parliament behind it. It would give the people we as parliamentarians represent that extra assurance that everyone is on

their side in facing the danger that this class action represents.

I support the motion.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.15 p.m.]: At the outset may I say that what I should have said earlier was that I appreciate the Leader of the Opposition having indicated he was happy with this debate to take place following the suspension of Standing Orders. I would also like to express appreciation to those members who have indicated their support for the motion. I wish to make one or two brief comments which I believe are relevant to certain matters raised by some honourable members.

The Hon. Philip Pender referred to the Westinghouse legislation which is perhaps a popular way of describing the Act to which he referred. I am aware of the general situation in relation to that legislation. I have taken notes of his comments and I will have a further look at that matter. As he pointed out, there are certain parallels between the two situations except that in the Westinghouse case treble damages had been claimed under the same law—the anti-trust law—whereas in this case there is no claim for damages.

One or two members mentioned the Privy Council, and I would like to say that a moment's reflection may convince them that there is no real parallel at all. To compare the United States District Court for the Western District of Pennsylvania with the Privy Council is hardly proper, particularly when one appreciates that the United States court is claiming original jurisdiction; that is, it is trying the case at first instance—the first time the case is heard—whereas the Privy Council is a court of appeal.

Another significant point of difference, which on a moment's reflection honourable members must agree exists, is that the United States court is trying the case under United States law whereas the Privy Council would be trying a case under Australian law—the law which applies in Australia. The United States court has no relationship to any of our courts whereas the Privy Council has a well understood place in relation to certain of our courts. Members may disagree—and in fact some have indicated their disagreement—with the fact that in this State some cases may still be heard before the Privy Council—they go from this State to the Privy Council. Those members have the right to disagree, but it is drawing an extraordinarily long bow to compare the situation which exists here,

where an American court of first instance is trying a case under American law, with the Privy Council, a final court of appeal, trying a case under Australian law in relation to proceedings that are well known and part of our own legal system.

Of course, as one honourable member pointed out, certain members of the Privy Council are justices from jurisdictions outside Britain. Indeed, the Chief Justice of the High Court is a member of the Privy Council—the judicial committee—and so is the Chief Justice of New Zealand.

Perhaps they should look more closely at this issue before blithely tossing this argument to members of this House. I was surprised to hear some of the things said in this House. I readily appreciate that members of the other House might not appreciate the difference, but I was surprised to hear these views from certain members in this Chamber, perhaps in mumbling tones.

The Hon. J. M. Berinson: We appreciate the difference but we do not attach the same significance to it as you do. After all, the American court is dealing with an American corporate defender.

The Hon. I. G. MEDCALF: Let us not extend the argument any further. I am pleased to hear the honourable member does appreciate the difference. Mr Dans seemed to be in some wonderment about the environmental aspects of this case, and I might say he differed from his deputy, Mr Berinson.

The Hon. D. K. Dans: I did not think I was in any wonderment.

The Hon. I. G. MEDCALF: Mr Dans indicated that we were afraid of some information which might surface.

The Hon. D. K. Dans: In an unsuccessful case.

The Hon. I. G. MEDCALF: I can assure him that we are not in the least afraid of any information surfacing. We have already examined the environmental aspects. This matter has been dealt with separately by the Minister. It has been examined very carefully by our Environmental Protection Authority and the Department of Conservation and Environment. We do not have any doubts that all the relevant facts have been examined. What we are afraid of is something which members seem to have overlooked—we are

afraid of the decision which might be given by an American court.

How can we prognosticate how that decision will come out, although the Hon. Howard Olney did say that the court would not take the slightest bit of notice of what was said here. That is not the view of the Government. The Government's view is that the Parliament of Western Australia should pass a resolution. We are not expressing a legal opinion. Mr Olney referred to the fact that we might as well have preambles in Statutes. Some Statutes do have preambles to them; many Statutes, when they are brought into Parliament, have explanatory texts to explain what they are all about. In many other Parliaments in Australia this is an established procedure, and there is a lot to be said for it.

We are not writing a legal document; we are not writing a Statute. We are endeavouring to express in common language—one could say it is very common if one wished, because we are only common people—something which we trust will still be understood in the United States—although they have shown little interest in our English language since the time of Queen Elizabeth I. We are endeavouring to show what the families of the people who are concerned—the 50 000 people concerned in this industry—might think about the prospect of their industry being put out of existence because of the very theoretical views of a group of well-meaning but misguided environmentalists.

We believe we have every reason in the world for this motion, and for expressing it in the terms we have. It is a positive assertion of the views of this Parliament. It may be used, or it may not be used, in an American court. I have not said it will be; nor did I say that the *Hansard* report will be used in the American court.

Nobody knows what will happen; but we are putting forward our views to the Commonwealth of Australia, and we will ask the Commonwealth if it will see fit to use those views in connection with any international representations it may care to make in whatever forum. The forum may be elsewhere, for all I know. That is a matter still to be considered.

We believe in doing things properly. We are not putting forward the view of the Government only; we are asking the Parliament to put forward a view; and we are asking the Commonwealth, which is responsible for international affairs, to

put forward that view on our behalf. Therefore I ask members to support this motion.

Question put and a division, taken with the following result—

Ayes 21

Hon. N. E. Baxter	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. Tom Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
Hon. N. F. Moore	(Teller)

Noes 8

Hon. J. M. Berinson	Hon. Lyla Elliott
Hon. J. M. Brown	Hon. R. Hetherington
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. F. E. McKenzie
	(Teller)

Question thus passed.

House adjourned at 10.26 p.m.

QUESTIONS ON NOTICE WORKERS' COMPENSATION

Board: Investigation into Payments

58. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Is the Workers' Compensation Board at present engaged in an investigation into various reports in relation to receipt of moneys for workers under awards of the board?
- (2) If so—
 - (a) who has authorised the investigation;
 - (b) by what authority under the Workers' Compensation Act or other Statute is the board able to conduct such an investigation; and
 - (c) to what persons and organisations have the board's inquiries been directed?
- (3) (a) Has the board requested any person or organisation to produce bank statements, passbooks, and other documents; and
 - (b) if so, what authority has the board to make any such request?
- (4) Has any information obtained by the board been supplied to—
 - (a) the Minister;
 - (b) his department; and
 - (c) the police?
- (5) Has the board or the chairman of the board advised the Minister of a suspicion that any provision of the Workers' Compensation Act has been breached, and if so, what provision or provisions are said to have been breached?
- (6) Is it consistent with Government policy that a judicial body—i.e., the Workers' Compensation Board—should be engaged upon an inquiry in the manner of a police investigation?
- (7) Has any Government department taken any active part in assisting in the investigation?
- (8) To whom is it expected the board will report when it has completed its investigations?

The Hon. G. E. MASTERS replied:

- (1) No. It was.
- (2) (a) The chairman;
- (b) section 29;

(c) the Trades and Labor Council and the Australian Workers' Union.

- (3) (a) Yes;
- (b) section 29.
- (4) (a) Yes;
- (b) no;
- (c) yes.
- (5) Yes; section 28(4).
- (6) This is a matter for the judicial body to determine and is not a matter of Government policy.
- (7) No.
- (8) The investigations have ceased.

WORKERS' COMPENSATION

Case 1560/80

63. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Is it normal practice for the Workers' Compensation Board to direct that its own inquiries should be made before a case has been finally heard and determined?
- (2) Did the board or a member thereof, direct an officer of the board to personally approach the applicant in matter No. 1560/80 whilst that matter stood adjourned and uncompleted?
- (3) If so, what officer was concerned, and on whose authority did he act?
- (4) Was the applicant represented before the board by a duly appointed agent?
- (5) Was the agent advised that an officer of the board was to interview the person he was representing?
- (6) Will consideration be given to inserting in the new Workers' Compensation Act, a provision prohibiting the board or any officer making its own inquiries about pending applications?

The Hon. G. E. MASTERS replied:

- (1) No.
- (2) Yes.
- (3) Mr Dubberlin, on the authority of the chairman of the board and the chairman of the supplementary board.
- (4) The board is unaware of any appointment of an agent pursuant to the Act.
- (5) Not applicable.
- (6) Yes.

FUEL AND ENERGY: GAS*Liquid Natural Gas: North-West Shelf*

93. The Hon. D. K. DANS, to the Minister representing the Minister for Fuel and Energy:

- (1) Would the Minister inform the House as to when an agreement will be signed by the Japanese for the supply of LNG from the North-West Shelf?
- (2) Is there a deadline for the signing of any such agreement?
- (3) Would the failure to reach agreement at an early date jeopardise the whole project?

The Hon. I. G. MEDCALF replied:

- (1) I assume the member means LNG, not LPG, and will answer accordingly. The export sales of LNG are being handled by the North-West Shelf joint venture participants, who keep the Government informed of progress. I am advised that negotiations with the Japanese are proceeding smoothly, and final agreement is expected in the near future.
- (2) Not to my knowledge.
- (3) No, although commencing negotiations with an alternate purchaser would be involved, and the overall project would be severely curtailed if no LNG export sales were involved.

WORKERS' COMPENSATION*Applications and Memoranda of Agreement*

94. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

For each year since 1972—

- (a) how many applications for compensation have been commenced in the Workers' Compensation Board;
- (b) how many memoranda of agreement have been registered; and
- (c) how many interlocutory applications pursuant to section 12B have been made?

The Hon. G. E. MASTERS replied:

- (a) and (b) This information is contained in the annual reports of the Workers' Compensation Board.

(c) Statistics in the form required are not kept.

LAND*Tax*

95. The Hon. J. M. BERINSON, to the Minister representing the Treasurer:

- (1) In the last full year for which figures are available—
 - (a) how many land tax assessments were issued;
 - (b) how many reminder notices were issued;
 - (c) how many accounts were paid after the period allowed by the reminder notice; and
 - (d) on how many accounts was interest levied, and what was the total interest recovered?
- (2) Apart from postage, what is the approximate cost to the department of processing each reminder notice?
- (3) What length of time is normally allowed between the due date of payment of an annual assessment and the date of issue of a reminder notice?

The Hon. I. G. MEDCALF replied:

- (1) (a) 66 481 assessments were issued during the 1979-80 financial year;
- (b) 11 374 reminder notices were issued during the same period;
- (c) and (d) no separate statistics are readily available; however, 420 summonses were issued to finalise outstanding accounts.

Penal tax, in lieu of interest, is generally levied at the summons stage.

For 1979-80 approximately \$9 600 penal tax was charged and subject to individual circumstances, the majority would be recovered.

- (2) It is not practicable to be precise in a matter of this kind, but it is thought to be not less than 50c each although, in the light of modern salaries and wages costs, the Treasurer would be surprised if it were not more.
- (3) 14 days.

INDUSTRIAL RELATIONS

35-hour Week: Premier's Comment

96. The Hon. D. K. DANS, to the Minister representing the Premier:

In *The West Australian* of 31 March 1981, the Premier is reported as saying—

that with the introduction of a 35-hour week, consumers would face price rises of up to 20 per cent and he further added that it would take over 10 years to get over the worst effects of a 35-hour week.

Would the Premier provide this House with the detailed analysis that led him to make this assertion?

The Hon. I. G. MEDCALF replied:

I seek leave to table the paper "Hours of Work" prepared by the National Employers' Industrial Council of the Confederation of Australian Industry and invite the member's attention to pages 43 and 44.

The 10 years estimate is calculated from the "more than 7 years" figure quoted on page 44 with an adjustment to allow for anticipated inflation and corresponding deferment of the recovery date.

The paper was tabled (see paper No. 133).

STATE FINANCE

Grants to Organisations

97. The Hon. N. E. BAXTER, to the Minister representing the Premier:

What benefits accrue from and for what purpose are grants to the following bodies and organisations applied—

- (1) Anzac Day Trust \$108 000?
- (2) Australian Council for Educational Research \$23 400?
- (3) Cat Welfare Society (Inc.) \$20 000?
- (4) International Congress of Bio Chemists \$20 000?
- (5) Perth Convention Bureau \$30 000?
- (6) Royal Association of Justices of WA \$7 200?
- (7) Tertiary Institutions Service Centre \$786 000?

- (8) Westminster Abbey Trust Appeal \$10 000?
- (9) Academy of Performing Arts \$215 000?
- (10) Western Australian Literary Fund \$52 000?

The Hon. I. G. MEDCALF replied:

- (1) Anzac Day Trust

The Anzac Day Trust, which is constituted by the Anzac Day Act, distributes funds to a number of organisations concerned with the welfare of ex-servicemen and women and their dependants. Each year, the State donates to the trust—

- (a) the amount of betting taxes collected on racing and trotting meetings conducted on Anzac Day; and
- (b) an amount equivalent to the value of occasional licences which were formerly granted on Anzac Day under the Liquor Act.

- (2) Australian Council for Educational Research

The grant assists the council in its work of conducting surveys on educational research.

- (3) Cat Welfare Society

A grant of \$20 000 will be provided in this financial year to assist the society to extend the facilities at its Shenton Park haven for unwanted felines. The society's activities contribute towards controlling the unwanted cat population in the metropolitan area.

- (4) International Congress of Bio-Chemists

The 1982 international congress in Perth will be a very important international congress and of great scientific significance. It is expected that 3 500 delegates will attend and State assistance is being provided to ensure that the conference will be held in Western Australia.

- (5) Perth Convention Bureau

The grant matches contributions from the tourist industry and assists the bureau to attract national and international conventions to this State. The bureau's role is important to the tourist industry in Western Australia.

(6) Royal Association of Justices of WA.

The grant meets the cost of publishing the association's Justice of the Peace journal which disseminates information on judicial aspects of the duties of justices of the peace and funds the rental of premises occupied by the association.

(7) Tertiary Institutions Services Centre

The centre conducts the Tertiary Admissions Examination and the grant is provided to meet its administrative costs.

(8) Westminster Abbey Trust Appeal

A grant of \$10 000 was made to an appeal launched in Australia by the Westminster Abbey Trust to raise funds for the restoration of the Abbey. The appeal is supported by all States and the Commonwealth because of the abbey's historical significance and our relationship to the Westminster system of Government.

(9) Academy of Performing Arts

The funds will be applied towards the operating costs of the academy at Mt. Lawley which was established in 1979 to develop the performing arts in this State. The academy will play a major role in the development of the four main aspects of the performing arts—music; dancing; drama; and theatre, and film and television.

(10) Western Australian Literary Fund

The fund, which assists local authors in the preparation and publication of their works, was established as a result of a policy promise given in 1974.

INDUSTRIAL COMMISSION

Appointees

98. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) To the extent that it is possible with a bench of seven commissioners, is it the policy of the Government to ensure that

the respective interests of employers, unions, and the Government are seen to be protected by maintaining on the Industrial Commission an equal number of commissioners whose background is in one of these three sectors of industry?

- (2) If this is not the Government's policy, what is the policy relating to who should be appointed to the Industrial Commission?

The Hon. G. E. MASTERS replied:

- (1) and (2) The Government does not have a fixed or unbending policy in respect of the appointment of commissioners of the Western Australian Industrial Commission. The principal aim is to appoint a competent and suitable person who will be able to discharge his duties in a conscientious and equitable manner. Existing membership of the Industrial Commission consists of two commissioners with an employer organisation background, two with a trade union background, and two from the State Government area.

The new appointee is a former stipendiary magistrate, and the chief commissioner who retired in February last was also a stipendiary magistrate prior to his appointment to the Industrial Commission.

FUEL AND ENERGY: ELECTRICITY

Power Line: Perth-Pilbara

99. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

With reference to a report on page 5 of *The West Australian* dated 27 March 1981, titled "Perth to Pilbara Power Endorsed", would the Minister advise—

- (1) What peak load is the \$200-250 million transmission line to be designed to deliver?
- (2) What is the expected load factor?
- (3) What power transmission losses are expected?
- (4) What is the estimated cost of constructing the same coal-fired generating capacity in the Pilbara region?

- (5) What is the estimated cost of constructing coal handling facilities in the Pilbara region to supply coal for power generation using backloading capacity in ships carrying iron ore from the Pilbara to Port Kembla and Newcastle?
- (6) How does the reliability of a 1 000 km transmission line compare with the reliability of coal fired power generation?
- (7) Will the SEC make its cost and technical studies available for public reference?

The Hon. I. G. MEDCALF replied:

- (1) The current studies by the State Energy Commission of the proposed HVDC transmission line from the south-west to the Pilbara are based on a nominal load of 200 MW initially, increasing to 400 MW at a future date.
- (2) The estimated load factors of the HVDC transmission line is 80 per cent, based on a 200 MW rating and forecast load growth in the Pilbara area.
- (3) The HVDC transmission system losses are estimated to be 22 MW at 200 MW loading.
- (4) A recent estimate of the cost of construction of a 240 MW coal fired power station in the Pilbara area is \$310 million, including interest charges during construction, in 1980 dollar values.
- (5) The estimated cost of ship unloading facilities for coal supply to a power station in the Pilbara is \$20 million.
- (6) The reliability of HVDC transmission systems installed elsewhere has been very high and, in all cases availability has been greater than 98 per cent for similar load capacity and line lengths to that which would be required for the south-west to Pilbara inter-connection. The reliability of single coal fired power plants is substantially less and availability in the range of 75 to 85 per cent, reflecting variation in design, fuel quality and other aspects, is usually assumed in planning studies.

- (7) The State Energy Commission will make available any salient information when details are confirmed.

FUEL AND ENERGY: NUCLEAR

Power Station

100. The Hon. J. M. BERINSON, to the Minister representing the Premier:

With reference to the Premier's pre-election statement that the 1983 election would be the crucial one so far as a nuclear power station is concerned—

- (1) What investigation and/or preliminary planning for a nuclear station is currently in progress?
- (2) When can a statement of energy policy be anticipated and, in particular, will the Premier give an assurance that the statement will be made available at least six months prior to the 1983 election to allow adequate public consideration of the complex technical questions involved?

The Hon. I. G. MEDCALF replied:

- (1) The State Energy Commission, on behalf of the Government, is keeping fully informed on developments within the nuclear power industry overseas and is investigating possible sites for a nuclear power plant in Western Australia, as has been previously announced, even though no decision has been made on a plant and, in any case, a plant would not be anticipated before 1995. Present known coal reserve increases and current exploration for coal could be an important factor in any decision.
- (2) The Government has followed the practice of making energy policy statements on a progressive basis to keep the public informed of the way in which it is adapting policy to changing circumstances. At the present time, the Government is moving towards completion of its latest major review and expects to be in a position to make it public later in this year.

HEALTH: DISABLED PERSONS

Public Transport

101. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

- (1) Has the Metropolitan Transport Trust set up a committee to examine the problems of handicapped and disabled persons using public transport?
- (2) If so, who are the members of the committee?
- (3) When was it established?
- (4) How many times has it met?
- (5) Could the Minister outline any improvements that have resulted from recommendations made by the committee?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Committee.

A. Robinson	Chairman
J. Major	Counsel for Assisting Disabled Students
J. Stewart	Association of Social Workers
F. Dargan	Committee on access for the disabled
R. Mahar	President Australian Association of Social Workers (WA Branch)
R. McDonald	MTT
N. Stokes	MTT
S. Hicks	MTT

Technical Sub-committee

R. McDonald	MTT
G. Wibrow	MTT
T. Lewis	Australian Bureau of Statistics
F. Dargan	
J. Major	
L. Sherlock	Advisory Committee for Rehabilitation and restorative care

J. Stewart

- (3) February 1980.
- (4) 3 full committee meetings
14 technical sub-committee meetings.

- (5) The Minister for Transport advises that the committee and its technical sub-committee has undertaken considerable work on this question. He has earlier requested that he receive their findings and recommendations as soon as possible, so that they can be considered and appropriate action can be taken in this International Year of Disabled Persons.

The committee's report is expected to be submitted by June 1981. However, early indications are that—

- (a) there is scope for adapting existing public transport vehicles to more suit the needs of disabled passengers;
- (b) the chronically disabled will not benefit from any fixed route service irrespective of whether or not the vehicle has been modified, door-to-door service in a specialised vehicle is more appropriate in these cases;
- (c) there is scope for rationalisation of transport services currently being provided for the disabled.

INDUSTRIAL ARBITRATION ACT

Amendment

102. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the Minister seen the recently published guidelines issued by the Commonwealth Attorney General relating to the granting of financial aid to individuals taking action in the Federal court under the Federal equivalent to section 66 of the Industrial Arbitration Act?
- (2) If he has not already done so, will he make himself aware of the position prevailing under the Commonwealth legislation and give favourable consideration to bringing the State Act into line with it?

The Hon. G. E. MASTERS replied:

- (1) No.
- (2) The Minister is obtaining a copy of the recently published guidelines issued by the Commonwealth Attorney General. He will then consider these guidelines as part of the current review of the Industrial Arbitration Act, 1979.

The Hon. D. J. WORDSWORTH replied:

- (1) Regulation 134 of Education Department of Western Australia regulations.
- (2) (a) and (b) In the first place the principal, in conjunction with the parents, would investigate the complaint. If resolution of the problem and the correction of the teacher could not be effected at the school level, the regional director would be involved. Should further assistance be required the Education Department's appropriate senior officers would be called.

again. However, it can be safely stated that the costs in answering Parliamentary questions are forever on the increase. While the average approximate cost to answer a question in 1978 was \$89 it can be reasonably stated that this amount has increased considerably. Accordingly, unless the member has a particular reason, of which I am unaware, I do not propose to request the necessary research to be undertaken.

- (2) and (3) The position is, for all practical purposes, unchanged from the answer given to the April 1978 question.

PARLIAMENT

Questions: Cost of Answers

107. The Hon. A. A. LEWIS, to the Minister representing the Premier:

- (1) Would the Attorney General obtain from the Premier the estimated cost of answering parliamentary questions, in this session, in each portfolio of the Cabinet, and advise this House of these costs, on a weekly basis?
- (2) Would the Attorney General also obtain from the Premier the hours spent by the chief executive officer in each of the portfolios in preparing the answers to these questions and advise this House?
- (3) Would the Attorney General also state whether the answer to the bulk of these questions would be available to members through the process of contacting ministerial offices, and what would be the essential delay if answers could be obtained in this manner?

The Hon. I. G. MEDCALF replied:

- (1) Mention is made that the member asked an identical question in April 1978 to question 107 on today's notice paper. He will also recall that it required a considerable amount of time and cost to prepare the information he sought. No doubt the same will apply if the required research is to be undertaken

POLICE

Juveniles: Interviewing

108. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) What regulations, orders, or instructions, apply with respect to the interviewing by members of the police force of juveniles suspected of committing offences?
- (2) In particular, is it a requirement that an adult person other than the police officer be present when a juvenile is being interviewed?

The Hon. G. E. MASTERS replied:

- (1) Orders applying to the interviewing by members of the police force of juveniles are covered by the routine orders section 3-2.3 to 3-2.22. A copy of the relevant routine orders can be made available if required.
- (2) Whilst the child is at school or a Community Welfare Department facility, yes, otherwise no.

POLICE

Juveniles: Charges

109. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) In cases where a decision is made to charge a juvenile with an offence, who

decides whether the charge should proceed by way of arrest rather than summons?

- (2) Are different criteria applied to juveniles as compared with adults in similar circumstances?

The Hon. G. E. MASTERS replied:

- (1) The police officer making the decision to charge the juvenile.
(2) No.

POLICE

Firearms

110. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

What regulations, orders, or instructions, apply to the carrying and use of firearms by members of the Western Australian Police Force?

The Hon. G. E. MASTERS replied:

Regulations and orders applying to the carrying and use of firearms by members of the Western Australia Police Force are covered by the routine orders section 6-2.3 to 6-2.20.

A copy of the relevant routine orders can be made available if required.

COURTS

Stipendiary Magistrates

111. The Hon. H. W. OLNEY, to the Attorney General:

- (1) What is the present establishment of stipendiary magistrates in—
(a) the metropolitan area; and
(b) country districts?
(2) Are there at present any unfilled vacancies?
(3) Are there any proposals to increase the number of magistrates?
(4) In view of the Government's policy of continuing the use of justices of the peace to perform judicial functions, has any consideration been given to the

appointment of senior members of the legal profession as justices with a view to them performing part-time honorary judicial work in the Courts of Petty Session?

- (5) If not, will the Attorney General ascertain whether such a scheme would have the advantages of—

- (a) relieving the burden of work on existing magistrates;
(b) provide lawyers who may later expect appointments to higher judicial office with some judicial experience; and
(c) allow the performance of such persons as judicial officers to be assessed before, rather than after, their appointment to higher office?

The Hon. I. G. MEDCALF replied:

- (1) (a) 21;
(b) 10.
(2) Yes; two. The vacancies have been advertised. Applications close on 13 April 1981.
(3) No. One additional appointment was approved recently for the Kimberley.
(4) No.
(5) (a) to (c) I will consider the ramifications of this proposal and advise the member in due course of my views.

PUBLIC SERVANTS

Inquiries for Information

112. The Hon. LYLA ELLIOTT, to the Attorney General:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Attorney General's departments to the effect that any inquiries for information must be directed to the Attorney General?
(2) If so, are the instructions related to inquiries from—
(a) the public;
(b) members of Parliament; or
(c) both?
(3) Do they relate to—
(a) specific matters; or
(b) general information?

- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Attorney General table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

113. The Hon. LYLA ELLIOTT, to the Minister for Fisheries and Wildlife:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. Medcalf (for the Hon. G. E. MASTERS) replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

114. The Hon. LYLA ELLIOTT, to the Minister for Lands:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?

- (3) Do they relate to—

- (a) specific matters; or
- (b) general information?

- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. Medcalf (for the Hon. D. J. WORDSWORTH) replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

115. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Agriculture:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

116. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the

Minister's departments to the effect that any inquiries for information must be directed to the Minister?

- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

117. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Health:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

118. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Urban Development and Town Planning:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

119. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Local Government:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

120. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Industrial Development and Commerce:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

121. The Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Fuel and Energy:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?

- (3) Do they relate to—

- (a) specific matters; or
- (b) general information?

- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

122. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Mines:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

123. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Resources Development:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?

(2) If so, are the instructions related to inquiries from—

- (a) the public;
- (b) members of Parliament; or
- (c) both?

(3) Do they relate to—

- (a) specific matters; or
- (b) general information?

(4) If "Yes" to (3)(a), what are the matters?

(5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

(1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

124. The Hon. LYLA ELLIOTT, to the Minister representing the Treasurer:

Further to question 38 of 1 April 1981—

(1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?

(2) If so, are the instructions related to inquiries from—

- (a) the public;
- (b) members of Parliament; or
- (c) both?

(3) Do they relate to—

- (a) specific matters; or
- (b) general information?

(4) If "Yes" to (3)(a), what are the matters?

(5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

(1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

125. The Hon. LYLA ELLIOTT, to the Minister representing the Minister Co-ordinating Economic and Regional Development:

Further to question 38 of 1 April 1981—

(1) Have instructions been issued to public servants in any of the

Minister's departments to the effect that any inquiries for information must be directed to the Minister?

(2) If so, are the instructions related to inquiries from—

- (a) the public;
- (b) members of Parliament; or
- (c) both?

(3) Do they relate to—

- (a) specific matters; or
- (b) general information?

(4) If "Yes" to (3)(a), what are the matters?

(5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

(1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

126. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

Further to question 38 of 1 April 1981—

(1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?

(2) If so, are the instructions related to inquiries from—

- (a) the public;
- (b) members of Parliament; or
- (c) both?

(3) Do they relate to—

- (a) specific matters; or
- (b) general information?

(4) If "Yes" to (3)(a), what are the matters?

(5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

(1) to (5) As advised in answer to question 38 on Wednesday, 1 April, no instruction of this nature has been issued by the Premier or the Public Service Board. It is at the discretion of each Minister to make arrangements most appropriate to each portfolio.

In this regard the Premier and Treasurer has advised that he has every confidence that Ministers will determine arrangements appropriate to each particular portfolio.

There may be cases where matters directly related to policy should be referred by the inquirer to the Minister.

There may be other cases where certain types of day-to-day administrative detail can be dealt with by the appropriate officers, but other types of administrative detail should be referred to the Minister.

It is not practicable, or desirable, to have hard-and-fast rules in these matters, and the Premier and Treasurer has indicated that he does not intend to depart from the present procedure whereby the arrangements are left to the discretion of the Ministers concerned—particularly as circumstances change from time to time.

If any inquirer feels that the arrangements are too restrictive in any particular case then no doubt the inquirer would make representations to the Minister stating the reasons why it was felt the arrangements should be relaxed.

In cases of special significance and importance then the inquirer may make further representations to the Premier if it were felt the arrangements were inappropriate.

The Premier has pointed out that there are some matters where it is not fair or reasonable to expect an officer to respond directly to an inquirer. The officers concerned could be placed in an invidious situation.

It is therefore the responsibility of each Minister to take all these factors into account and keep the matter under review.

The Hon. Lyla Elliott: That is the biggest cover-up I have ever heard in this Parliament. You are afraid to answer the questions. It is a disgusting answer.

PUBLIC SERVANTS

Inquiries for Information

127. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Tourism:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

128. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Regional Administration and the North West:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

129. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Immigration:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

130. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Consumer Affairs:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?

- (3) Do they relate to—

- (a) specific matters; or
- (b) general information?

- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

131. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Labour and Industry:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

132. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Works:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?

- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

133. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Water Resources:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

134. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Housing:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the

Minister's departments to the effect that any inquiries for information must be directed to the Minister?

- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

135. The Hon. LYLA ELLIOTT, to the Minister representing the Chief Secretary:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

136. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Police and Traffic:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

137. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Education:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?

- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

138. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Cultural Affairs:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?
- (3) Do they relate to—
 - (a) specific matters; or
 - (b) general information?
- (4) If "Yes" to (3)(a), what are the matters?
- (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

139. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Recreation:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
- (2) If so, are the instructions related to inquiries from—
 - (a) the public;
 - (b) members of Parliament; or
 - (c) both?

- (3) Do they relate to—
 (a) specific matters; or
 (b) general information?
 (4) If "Yes" to (3)(a), what are the matters?
 (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

PUBLIC SERVANTS

Inquiries for Information

140. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Community Welfare:

Further to question 38 of 1 April 1981—

- (1) Have instructions been issued to public servants in any of the Minister's departments to the effect that any inquiries for information must be directed to the Minister?
 (2) If so, are the instructions related to inquiries from—
 (a) the public;
 (b) members of Parliament; or
 (c) both?
 (3) Do they relate to—
 (a) specific matters; or
 (b) general information?
 (4) If "Yes" to (3)(a), what are the matters?
 (5) Will the Minister table a copy of the instructions?

The Hon. I. G. MEDCALF replied:

- (1) to (5) See answer to question 126.

QUESTIONS WITHOUT NOTICE

WORKERS' COMPENSATION SUPPLEMENTATION FUND ACT

Proclamation

40. The Hon. H. W. OLNEY, to the Minister for Fisheries and Wildlife:

He may recall that I asked him a question last week, a part of which he did not answer. He undertook to obtain the information and I wonder whether he has it with him now?

The Hon. G. E. MASTERS replied:

If the member is referring to a question about the Workers' Compensation Supplementation Fund Act, the answer is that the matter is with the parliamentary counsel for steps to be taken.

LAND

Tax

41. The Hon. J. M. BERINSON, to the Leader of the House:

My question is supplementary to his answer to question 95 relating to land tax, and is as follows—

- (1) Is there any reason land tax should not be treated like other taxes and be made subject to penalty without further notice from the original due date of payment?
 (2) Is not the present system both unnecessarily expensive and unfair to those 80 per cent of taxpayers who do pay on time?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I ask that the member place his question on the notice paper.

PUBLIC SERVANTS

Inquiries for Information

42. The Hon. LYLA ELLIOTT, to the Leader of the House:

Is he afraid to answer my questions which I placed on the notice paper because it would make the public aware that this Government is developing a closed society by refusing access to information requested by members of the public and members of Parliament? It is evident that a number of Ministers have issued instructions to which I referred. Is the reason for his evasive reply the fact that the Government is afraid?

The Hon. I. G. MEDCALF replied:

No; the Government is not in the least afraid to answer questions; but the questions asked by the member have been answered by the Premier.

The Hon. Lyla Elliott: They have not.

The Hon. I. G. MEDCALF: Ministers have a discretion to carry out their portfolio affairs.

PUBLIC SERVANTS

Inquiries for Information

43. The Hon. LYLA ELLIOTT, to the Leader of the House:

Why was not each Minister allowed to answer the question for himself or herself?

The Hon. I. G. MEDCALF replied:

No Minister was prevented from answering the questions, but the Premier answered all the 29 questions on their behalf.

WORKERS' COMPENSATION BOARD

Members: Other Occupations

44. The Hon. H. W. OLNEY, to the Minister for Fisheries and Wildlife:

The Minister's answer to my previous question today related to my query about the Workers' Compensation Supplementation Fund Act. In fact, I was referring to the incomplete answer to question 61 relating to other occupations pursued by members of the Workers' Compensation Board.

The Hon. G. E. MASTERS replied:

The answer is as follows—

- (2) (c) (i) Mr De Burgh—director of a company;
 (ii) Mr Dubberlin—member of Fire Brigades Board;
 (iii) and (iv) Mr Summers and the chairman—receipt of rental income.

POLICE

Telephone Tapping

45. The Hon. H. W. OLNEY, to the Attorney General:

- (1) Did he hear the Minister for Police and Traffic speaking on an ABC news item on Friday last about telephone tapping?

- (2) As that Minister expressed an unwillingness to inquire whether the WA Police Force had been engaged in illegal phone tapping, will he, as the first law-officer of the Crown, undertake to make inquiries to ascertain whether the Police Force has been engaged in this illegal activity?

The Hon. I. G. MEDCALF replied:

- (1) No, I did not hear the Minister for Police and Traffic make that statement. I do not know whether he made it.
 (2) The golden rule is that one Minister does not interfere with another Minister's responsibilities. The question of how the police conduct their inquiries is one for the Minister for Police and Traffic.

POLICE

Telephone Tapping

46. The Hon. H. W. OLNEY, to the Attorney General:

Does he acknowledge that, as the senior law officer of the Crown, he has some responsibility to ensure that the law is observed?

The Hon. I. G. MEDCALF replied:

Not everyone gives me the designation which the member has done, and I appreciate the compliment. Nonetheless, I understand that I have certain responsibilities to enforce the laws of Western Australia. I do my best to carry out those responsibilities.

PASTORAL LEASES

Aborigines

47. The Hon. PETER DOWDING to the Minister for Lands:

- (1) Is there a policy of the Government to require certain conditions to be fulfilled before pastoral leases are transferred or permitted to be transferred to Aboriginal communities?
 (2) If there is such a policy, will he tell the House what it is?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) I am not sure what the member means when he refers to conditions which "have" to be fulfilled. If he places a question on the notice paper I will endeavour to ascertain the information he requires.

PASTORAL LEASES

Aborigines

48. The Hon. PETER DOWDING, to the Minister for Lands:

I wish to ask a supplementary question as follows—

- (1) Is the Minister aware that Aboriginal groups and the Aboriginal Lands Trust have, over the past five years, sought to acquire pastoral leases?
- (2) If the Minister is aware of that fact, is he also aware of the fact that those requests have been turned down by the Western Australian Government?
- (3) Is there some policy involved in the refusal of those applications, and if so, what is it?

The Hon. D. J. WORDSWORTH replied:

- (1) to (3) The member should be well aware that, during that time, some pastoral properties have been transferred to the Aboriginal Lands Trust and that alone belies what the member has said.

PASTORAL LEASES.

Aborigines

49. The Hon. PETER DOWDING, to the Minister for Lands:

Is the criterion which is applied by this Government for the approval of the transfer of pastoral leases the same when the transferee is a Caucasian Australian as when the transferee is an Aboriginal incorporated community?

The Hon. D. J. WORDSWORTH replied:

As far as I know, "Yes".

The Hon. Peter Dowding: Oh Come on!

PASTORAL LEASES

Aborigines

50. The Hon. H. W. OLNEY, to the Minister representing the Minister for Community Welfare:

I draw the Minister's attention to an answer he gave me on 1 April when I asked a question relating to the Government policy on Aboriginal land rights. The general thrust of his answer was that the Government had good policies, but he did not know what they were and he had no intention of misleading the House.

I ask the Minister whether he proposes to obtain an answer to that question, or should I put the question on notice?

The Hon. G. E. MASTERS replied:

The question should be placed on notice.

PASTORAL LEASES

Aborigines

51. The Hon. PETER DOWDING, to the Minister for Lands:

In view of the answer of the Minister for Community Welfare, through his representative in this House, that there are a number of conditions which must be met before pastoral leases will be approved for transfer of a lease into the name of Aboriginal communities, and since the Minister for Community Welfare said that the Minister for Lands had set out some of these conditions, I ask: Will the Minister for Lands tell us what the conditions are?

The Hon. D. J. WORDSWORTH replied:

I do not have the reply given to the member, but I think he would find that those same points were applicable whether the applicant was a Caucasian or an Aboriginal.

PASTORAL LEASES

Aborigines

52. The Hon. PETER DOWDING, to the Minister for Lands:

Is it a fact that an application by an Aboriginal community for the transfer

of an Aboriginal pastoral lease will be considered under the same criteria as an application by any other citizen of this State?

The Hon. D. J. WORDSWORTH replied:

We endeavour to treat all citizens in the same way.

PASTORAL LEASES

Aborigines

53. The Hon. PETER DOWDING, to the Minister for Lands:

My question is supplementary to my previous one. If that is so, what are the criteria applied?

The Hon. D. J. WORDSWORTH replied:

I suggest the member put the question on notice.
