

# Legislative Council

Thursday, 2 May 1991

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

## MOTIONS - GOVERNMENT BUSINESS

### *Business Transactions - Tabling of Documents*

Pursuant to Order of the House, the Leader of the House tabled certain papers.

[See paper No 345.]

## MEMBERS OF PARLIAMENT - LEAVE OF ABSENCE

On motion, without notice, by Hon Margaret McAleer, resolved -

That leave of absence for three consecutive sitting days be granted to Hon P.H. Lockyer (Mining and Pastoral) on the ground of parliamentary business.

## MOTION - SELECT COMMITTEE ON DIEBACK

**HON P.G. PENDAL** (South Metropolitan) [2.38 pm]: I move -

That a Select Committee of this House be appointed to inquire into and report on the extent to which the disease *Phytophthora* dieback has infected the State's system of national parks and conservation reserves administered under the Conservation and Land Management Act, and the measures being taken to combat the further spread of the disease, and that the committee have power to send for persons and papers, and report back to the House by no later than 1 December 1991.

This is a motion for the establishment of a Select Committee to ask a fundamental - some would say, the fundamental - environmental question about Western Australia today: How did we get it so wrong? I want it clearly understood what it is that I am asking. Dieback, of course, has been in Western Australia since probably the turn of the century.

**The PRESIDENT:** Order! There is far too much audible conversation by members.

**Hon P.G. PENDAL:** Clearly this Government and this generation cannot be held responsible for that. However, the question I pose is why, when confronted with a catastrophe - a word the scientists now use - have we seen such a tardy and meagre response from the political arm of Government? The questions go further. Why have our leading environmentalists and environmental lobby groups been so tame and so unresponsive? I will give evidence to the House today that the spread of dieback in Western Australia, particularly into our national parks and nature reserves, is now our number one ecological problem.

**The PRESIDENT:** Order! I will not keep telling members that they cannot carry on normal conversations while a member is addressing the Chair. If members want to conduct a meeting they should speak in lower voices.

**Hon P.G. PENDAL:** Where are the marches in the streets? Where are the fiery speeches from the steps of Parliament House? Why does society have a preoccupation with minimal levels of mining in national parks? That activity becomes almost insignificant compared with the devastation occurring right now in our national parks caused by dieback? I suggest that it shows a society with a badly botched sense of environmental priorities. At a Government level, all the most horrific signs exist that with dieback we are confronted with the worst environmental problem of our time. Why has the Government response not matched this level of urgency?

I ask members to listen to the words the scientists themselves use in describing the position. Scientists are not by nature extravagant people. They are not apt at using strong or flamboyant language. However, in a paper delivered to a dieback workshop last November, Dr Ray Hart, a Perth specialist in the disease, said that dieback "is firstly and above all else a conservation nightmare". That same scientist talked about the total regional impact of the disease as being "catastrophic". Another description I have read is that the impact of the

spread of the disease into our reserves along the south coast is "a conservation disaster". The head of the Department of Conservation and Land Management, Dr Syd Shea, was reported in March of this year in the *Sunday Times* as saying that because of the spread of dieback, WA was now in the grip of an environmental tragedy of world significance. Another scientist, Mr Bernie Masters, went on record this month as saying that dieback had the potential to change the natural environment in the south west as severely as European settlement had done in the past 160 years.

If all this is true, I again repeat my earlier questions: Where is the priority on the part of the Government? Why, for example, did it give such a high profile, and untold resources, last year to the relatively minor issue of duck hunting and neglect to do anything to raise the profile of dieback? If all this is accurate - as I believe it is - why has the environmental movement been all but mute? Why was it that when Opposition members sought last year to put this matter under the spotlight, we were met with derision by the Minister for the Environment? I had some senior Department of Conservation and Land Management officers privately criticise what I was doing. I might add also that I received plenty of encouragement from many others scientists, the Government and the private sector.

As the Opposition began in November to increase the tempo of the dieback debate, the Government sought to shift the focus to a somewhat curious new plain. It openly criticised our stance on the question of duck shooting because, the Government said, we were insensitive to the future populations of wildlife. If ever there was a case where Nero fiddled while Rome burned this was it. People who were genuinely concerned about rare and endangered flora and fauna in 1990 should have directed their activities solely to the dieback debate. They should have done that because one of the worst effects of the spread of dieback is that many rare and endangered plants could become extinct. According to a recent paper by Mr Roger Armstrong, from CALM, the dieback fungus causes the death of a variety of native and introduced plants. He said that it was known that over 1 000 species of our native flora were susceptible to *Phytophthora cinnamomi*.

Other information I have reveals that the south coast region of Western Australia has 486 of Australia's 3 329 rare or endangered plant species. On the Government's own admission, 25 per cent of those 486 - that is about 120 - are now at risk because of dieback. So here we have a direct threat to the very survival of rare and endangered species, while the Government's concentration is on our duck population. If members require more evidence, let me quote again this point from Dr Hart's paper which states -

In the long term, dieback will cause the local extinction of many species, and the fauna associated with them.

He concludes that while not all vegetation types are affected as severely as this, the total regional impact is nothing short of catastrophic. The associated or consequent losses will show up in various forms. Our tourism industry can expect to be badly mauled, since a large part of it depends on the State's wildflowers. We are, after all, the wildflower State. The beekeeping industry will be affected, along with various forms of timber, since dieback is now known to attack not only jarrah but also avocado and pine. Whereas we have all grown up to believe that dieback is a disease of the jarrah forests we now know that it seriously damages other vegetation types like the banksia woodlands and heathlands.

I regret to say that in all this the Government has resorted to a campaign of misinformation that has never been satisfactorily explained. For example, once I was informed that the Stirling Range National Park in the south was seriously infected I sought in this House to learn just how bad was bad. On 14 November last year I was told in answer to question on notice 1159 that about 20 per cent of the Stirling Range National Park is affected to some degree. Some time after that I was shown a letter that had been sent to the Western Australian National Parks and Reserves Associate by the Government which indicated that 40 per cent of this park could be infected. Some time later I was shown a research paper written by Dr Bryan Shearer from CALM who published his findings in "Land and Water Research News, Issue No 5" in February 1990. He stated at page 20 of his report -

The rich flora of the Stirling Range National Park is under immediate threat, as about 65% of the park is affected by *P. Cinnamomi*.

Why is it that we were told in this House in November last year that the Stirling Range

National Park was 20 per cent infected when one of the Government's chief scientists wrote nine months earlier that the extent of the infestation of this park was not 20 per cent but a massive 65 per cent? That goes to the very heart of the truthfulness of answers given to this House. Put more directly, this House was misled. The proposed Select Committee will want to get to the bottom of that.

If members remain unconvinced about the magnitude of the problem I remind them that at this late stage the Government has moved to stockpile genetic material from hundreds of the plants facing extinction. That is how desperate the position has become: We now have to create a "genetic bank" in which to store material and information, waiting for the day a cure is found as a prelude to reintroducing the genetic stocks back into the natural environment.

Hon Derrick Tomlinson: Does that assume there will be total destruction of those forests?

Hon P.G. PENDAL: That is the only conclusion one can draw from it; and if that conclusion is correct, the problem is even more horrific than we have been led to believe.

I remind members that, despite this, it was only a few months ago that the Government was being openly critical of the Opposition for having the temerity to open up the whole question for debate. The Minister was angry and senior civil servants were angry. Why? I suspect it was because their inactivity was being shown up: They were the experts and we should leave it all to them. Yet they, and other experts, continued to get it wrong. In one of the papers presented to a Chamber of Mines and Energy workshop last year some of the experts were held up as something less than that. I will quote a few experts, not to rub salt into the wounds of professional officers of the Government, but as an appeal to members of this House not to be seduced into believing that all is well and that we have no role as a Parliament.

A public environmental report, which had strong dieback undertones, was prepared by the State Energy Commission of Western Australia, and it was assessed by the Environmental Protection Authority. The EPA's assessment report came to certain conclusions that were described by one private scientist as a comedy of errors. The report states -

... the EPA assessment report (EPA, 1990) states, "However some of the drier rises are not yet infected and the general level of disease impact appears to be low... Following discussions with staff of the Department of Conservation and Land Management, the Environmental Protection Authority considers that it is likely that dieback disease is widespread in the low-lying parts of the National Park and State Forest but notes that the impact of disease appears generally low to date because infected areas support resistant species and the disease itself is often absent from sandy rises which support the most susceptible species."

Hon Mark Nevill: Are you still talking about the Stirling Range?

Hon P.G. PENDAL: I am quoting from an EPA document which is referring, as I recall, to a proposition in the D'Entrecasteaux National Park. To continue -

Accordingly, disease impact outside the mine area is only likely to significantly increase if there is direct transfer of disease onto uninfected rises or if the infective season is extended by extra runoff keeping the soil moist into the warmer part of the year. Clearly an effective dieback management plan is required to exclude direct access to the Park and manage water runoff."

That is the end of the quote of the EPA assessment report, to which the private scientist adds his comments as follows -

These comments are complete nonsense. They contradict what was said about the degree of impact in the assessment report about the Windy Harbour proposal, they accept only that it is only "likely" that the low-lying areas are infected, they regard the virtual destruction of some vegetation units as "the general level of disease impact appears to be low", there is a recommendation to protect areas from infection when these are already infected, and there are comments about keeping the soil moist into the warmer part of the year in an area which is virtually a swamp for most of the year.

I ask members to remember that we are talking about the EPA's assessment on dieback in that area. To continue -

It is clear from these examples that dieback is not well understood, and there are serious deficiencies in the basic knowledge, let alone the management requirements.

I emphasise that I am not citing this to embarrass the EPA, but instead to bring home to members that we should have a Select Committee of this House to investigate and report on these matters given the level of misunderstanding even from bodies like the EPA. The Government I am sure will go on the defensive; it has been that way in the six months that I have sought to bring public attention to the spread of the disease into national parks. It will tell us that enough is being done and that we should not rock the boat. I utterly reject that, for several reasons.

I do not believe the Minister for the Environment has been active. I asked the Parliamentary Library to give me all official Press releases on dieback from Ministers for the Environment for the past two years.

Hon Sam Piantadosi: What about going back 12 years?

Hon P.G. PENDAL: The member is quite at liberty to do so.

What a dismal performance that unearthed. A total of three statements have been forthcoming - one in June 1989 from Mr Taylor, the then Minister, a second in October 1990 from Mr Pearce, and a third from Mr Pearce in December 1990. That does not indicate there has been a high priority placed on the matter by the Government. Indeed, the Minister's announcement on 4 December last year actually followed a number of actions by the Opposition. Ironically, his statement on that day stated in the first paragraph that "public awareness of the dieback problem was among the key elements to controlling the disease". I agree, but to that point there had been no overt concern expressed by the Minister that the Government was actually looking to increase that level of public awareness. Instead the Opposition was berated for having pursued the issue.

Again, a reference to Dr Hart's paper shows at page 11 of the Chamber of Mines and Energy's publication that -

Action is required to manage what is left, and to protect other areas which are not so extensively infected.

I submit he would hardly be calling for action if the Government's action represented all that was needed to that point. I believe that the Select Committee should call for evidence on, for example, the issue of closing off national parks to the public. That action of quarantining was taken by a previous Government, a Liberal-Country Party Government, when dieback in State forests was the big threat back in the 1960s and 1970s.

The issue of quarantining areas has been raised by me on several occasions, not because I am in the position to say that that is the starting point, but because I want to hear from others on the matter. So far the response has been deafening. I note that early in April a spokesman for the Australian Conservation Foundation proposed similar action to that suggested by the Opposition. At that stage, he expressed the view that the Government was reluctant to act because the public would not buy it. I am not so sure. Like this spokesman, I believe that the public would react positively if they knew that the very survival of some national parks might be at stake.

The issue of Indonesian fisherman cannot be ignored in all this. Every member is aware of the regular arrival of these fishermen off our shores, with all the fears of disease that brings. Why do I mention that in the context of this debate? The fact is, according to one of the documents I have read, the dieback fungus probably came into Western Australia on the root of citrus trees imported from Indonesia a century or so ago. The Select Committee is needed for all the reasons I have outlined, and for many that I have not touched on. In the final analysis we need to know much more about where CALM is taking us on this matter. For example, the Select Committee will need to establish the extent of the Government's research commitment to finding a biological control for dieback. I am principally, but not exclusively, interested in the impact of dieback on our national parks system. A Western Australia without national parks is unthinkable. Yet, if the problem is not dealt with, we are left with that awful and daunting prospect.

I appeal for this issue to be given a priority that so far it has not been given by the Government and the conservation movement. In addition, I make the commitment that in

Government the Liberal Party will treat the issue with the highest priority. It will be given an importance that truly recognises dieback as the number one environmental enemy of Western Australia and all Western Australians. I commend the motion to the House.

**HON MURRAY MONTGOMERY** (South West) [3.03 pm]: I have no hesitation in supporting the motion to form a Select Committee. Although members of the community have expressed their concern about this problem in recent times, it is obvious that the public do not know a great deal about this disease which has taken over the forests and spread like wildfire through many parks, reserves and even farmland. It is most important that an examination be made of the research carried out on this subject. Thirty or 40 years ago, although the problem of dieback had been recognised, the community in general did not take a great deal of interest in it even though they perhaps wondered why trees, such as jarrah, were dying in affected areas. Not much thought was given to how the disease was spread. It was initially thought that certain species of forest vegetation could control the disease. Another theory was that very hot fires would control it. These theories proved not to be effective control measures, and 10 or so years ago the bureaucrats started to panic because they did not know what the disease was, had very little understanding of it, and were not prepared to tell the public how little they knew about it. It is only in the past few years that the cause of the disease has been identified as an organism in the soil, which probably came from overseas. The disease has affected not only forests but also home gardens. It is vital that research be carried out in response to the concerns that have been expressed.

When I first became a member of Parliament I said that this problem was a matter of concern to the people in the south west electorates, and my colleague, Hon Bob Thomas, made the same comment when he first became a member of Parliament. We were concerned because we saw the thickets of *Banksia coccinia*, which is the emblem of the Shire of Albany, under threat from this disease. Many have been removed because of the disease. It is thought that the species could die out entirely in the south coastal area. Concerns have been expressed also about changing the ecosystem because the removal of trees has an effect on fauna and birds in the area which feed from the trees. Certain species within the ecosystem certainly feed from the *Banksia coccinia*. That is a matter of public concern. We need to heighten people's awareness that a teaspoon of infected earth is sufficient to contaminate a clean area and spread the disease. The dieback organism is water transported in the soil, it runs through the profile of the soil and is capable of infecting clean areas of forest or home gardens. Home gardeners who plant native species could find all their shrubs and plants dying if they introduce into their gardens a small amount of infected soil attached to the roots of a plant.

The National Party supports this motion to set up a Select Committee to examine the research being conducted into this problem. The researchers must also understand that the people of Western Australia would prefer a biological cure to be found for this disease, one which will remove all the problems associated with the disease.

**HON BOB THOMAS** (South West) [3.09 pm]: The Government has no hesitation in supporting this motion to set up a Select Committee to look into the problems of *Phytophthora*, and particularly *Phytophthora cinnamomi*. It is an insidious fungus which I believe will be recognised as the most important environmental problem faced by this State for a long time. Living on the south coast and representing the south west, I am probably more aware of this problem than most members. This disease threatens not only large areas of our environment in the south west, but also many industries and a large number of people employed in those industries. I refer particularly to those involved in the tourism industry.

The south coast heathlands, with their abundance of flowers, are a very popular tourist destination, particularly in the period of August, September and October, and large numbers of bus tours are organised during that time based on the wild flowers in the heathlands. This fungus threatens many of the flowers in those heathlands. Horticulture is not excluded from the ravages of this disease. We have a growing vineyard industry in the great southern, and grape vines are directly affected. Broadacre farming is not excluded either. As a member representing an electorate which covers all those areas, I am particularly keen to learn more about this issue, and I have indicated that I would like to be a member of the Select Committee.

It is important for us to understand exactly what dieback disease is. Essentially it is a fungus which lives in the soil and affects the root systems of plants. It causes the roots to rot and

therefore reduces their capacity to take up water. The result is a drought type of effect on the plants; they are not taking up water so they die, and they tend to die from the top down. It is important to have a scientifically correct definition, and I shall read from the Conservation and Land Management Resource Notes No 11 of 1990. They define *Phytophthora cinnamomi* as a parasitic fungus which requires a living host on which to feed. The description continues -

The main body of fungus - the mycelium - is a mass of threads, capable of producing the millions of tiny spores which reproduce the fungus. *Phytophthora cinnamomi* produces two main kinds of spores. One, the zoospore, is small and spreads rapidly in water and moist soil. As zoospores move through the soil they come into contact with plant roots. They lodge on roots, infect them, and, in susceptible plants, produce mycelium. The infected plant acts as a host for the fungus; the mycelium grows, feeding on the host, rotting the roots and cutting off the plant's water supply. The other type of spore produced by the fungus is called chlamydospore. This is larger than the zoospore, and can survive for long periods in the soil, provided conditions do not become too dry. Chlamydospores cannot move on their own, but can be transferred in infected roots and particles of infected soil. When conditions are favourable the fungus again becomes active: the chlamydospores produce mycelium and zoospores.

As Hon Phil Pandal said, this disease was introduced about 100 years ago in some exotic form of flora brought into Australia, probably citrus fruit, cinnamon or something like that. It is a disease common in subtropical areas, and this is the reason why it has become so prevalent on the south coast. This is why our south coast heathlands are more severely affected than other areas of the State. On the south coast we have a summer rainfall which, combined with the heat of summer, produces the right conditions for the fungus to spread and to be transferred in our soil and through our waterways. It is quickly taking up those areas which are not already affected. Our soil types on the south coast are conducive to the spread of the fungus. They are sandy soils on top of a clay base, and this allows the water to stay close to the surface for longer, therefore allowing the fungus, which is mobile, to move, usually in ever-widening circles, from affected areas outwards, thereby affecting other plants as they come into contact with it.

One of the most important things we have to do on the south coast is to place a lot more emphasis on the education of the public. A couple of things give me some hope that that process is starting. I refer specifically to a group of interested people based around Albany, Denmark and Walpole who have formed a dieback action group. This is a group of people not employed by any Government department; they are just interested in the issue. One member of this group is Joanna Youngs, who was a scientist with Department of Conservation and Land Management, where she spent 10 years researching this subject, so she has a wealth of knowledge from which the group can draw. Another member, Katie Syme, a botanist living in Denmark, is very interested in the subject and she has taken a very active role in encouraging the group to become involved in the educational process within our community. Lawrence Emery and Don Hunt from the ACF in Albany are also involved, and so is Bob Griffin, a landscape gardener from Denmark, who is very actively involved. There is also Spike Daniels, a long time campaigner on this subject. These people have organised a field day later in August for all those organisations involved in earthmoving, and this includes the shires, Telecom, SEC -

Hon Sam Piantadosi: Mining companies.

Hon BOB THOMAS: - private mining companies and so on. The group is holding a field day so that they can take those people involved in that sort of activity into the forests and into the parks in order to show them the effects of dieback and ways of managing it. We must remember that there is no cure for dieback. All we can do is contain it; we cannot eradicate it. We have to use proper management and hygiene techniques to contain the spread of the fungus and thereby reduce its impact on unaffected areas. I applaud that group for having taken the initiative to get together and offer the field day that they have. I spoke to Katie Syme today and she indicated that she would be more than happy to set up a similar field day for the Select Committee if we wished, and I shall suggest that the committee accept that offer because we can glean a lot of information from those people who may not be employed by Government agencies but have a wealth of knowledge on which we could draw.

Another thing which gives me some hope is the fact that Rotary International has now undertaken this as a Western Australian club project, and I want to read most of a letter written to the *Albany Advertiser* a couple of weeks ago. The letter from Mr Spike Daniels reads -

As recently published in the press and on radio, the Rotary clubs of the southern districts are co-operating with CALM in an endeavour to bring about a greater public awareness of the need for persons to realise the great dangers of the spread of *phytophthora cinnamomi* ("dieback").

Persons are prone to believe that this serious pathogen is only something which kills jarrah trees or native shrubs and thus dismiss the magnitude of the problem.

Admittedly there are other vectors, but since the advent of the wildflower industry the spread of *phytophthora cinnamomi* has become horrendous and it is now assessed at one million hectares of contamination along the south coast.

Obviously that industry ultimately must become self-destructive.

I will hereunder set out some of the other known consequences of this disease:

- \* With the loss of our wildflowers, our tourism industry must drastically decline as it is now estimated that one third of the flora in the Stirling Range and local heathlands will be lost.
- \* Few orchardists realise that this fungi can kill both stone fruits and pome fruits as well, and that avocados are very susceptible.
- \* Home gardeners must realise that it kills many of the native shrubs, such as grevilleas, etcetera, plus the more exotic azaleas, camellias, rhododendrons, proteas etcetera.
- \* Viticulturists should know that some grape vines cannot withstand this fungus.
- \* Farmers should know that it does kill lupins, and that laboratory tests indicated that it has possible potential to reduce the production of wheat by 47 per cent, though it did not kill the plant. I understand that as yet no field tests have been done.

It is necessary that the public become better educated as to its dangers and the Rotary movement with CALM will provide speakers towards that end.

He goes on to list the speakers from the Rotary Club in Albany who came out to speak.

I now turn to the points raised by Mr Daniels. Hon Murray Montgomery and Hon Muriel Patterson will agree that Mr Daniels has campaigned very strongly on the dieback issue. When we were first elected to Parliament, Mr Daniels was one of the first people to telephone us regarding issues in which he wanted to interest us. He invited us on a tour around Cheyne Beach and we travelled in a four wheel drive to inspect the effects of the fungus on the *Banksia Baxteri*. Mr Daniels is very interested in the issue and would not let it drop. I am glad that he eventually managed to bring the matter to the notice of all Rotary clubs in Western Australia which have taken on the problem as a club project. Rotary clubs and the Department of Conservation and Land Management are working together on the problem. When Mr Daniels writes such a letter, I know that he has researched the issue vigorously and that he does not make idle claims. The fungus does have the potential to decimate the wildflower industry, an industry which has given a fillip to the economy of Albany. Presently, a large number of farmers pick flowers as a renewable resource; they employ up to 30 people or more during peak times of the year to process wildflowers for export. This activity earns more than \$1 million a year of export income for the region. However, the fungus has the capacity to wipe out almost one-third of the flora in the region, which would have an enormous impact on our newly emerging wildflower industry. Additionally, the wildflowers attract thousands of tourists to the region every spring. Indeed, it is very difficult to find a vacant bed in a hotel or motel in Albany in September/October. A large number of bus tours come to the region as both Westrail and the Western Australian Tourist Bureau organise tours for people to see the spectacular wildflowers of the region.

Hon Murray Montgomery: That was not the case last year; tourism died.

Hon BOB THOMAS: The number of tourists travelling to the great southern for the

September/October season increased by nine per cent. Tourism was up 16 per cent the year before. The tourist numbers are increasing rapidly, so I question the basis of Hon Murray Montgomery's remark.

The fungus has the capacity to decimate not only the tourist industry but also a large range of fauna which is dependent on the wildflowers. I refer to the pigmy possum which tends to live close to the ground on the smaller flowering plants. The *Banksia coccinea* creates a wonderful environment for the fauna as it contains plenty of nectar. If the dieback is allowed to spread and destroy these flowering trees on which the possum is dependent, the possums' habitat will be lost and the animals will die. Many other animals and flora are dependent on the banksia so we are aware that the impact on the environment will be far greater than the loss of one tree or one possum who lives in that tree. Mr Daniels also indicated that orchardists are affected by the fungus as a result of the movement of traffic and farm implements between the great southern and the south west. If proper management controls are not put in place we could see other areas affected by the transfer of contaminated soil from the infected areas to the agricultural areas of the lower south west. The industries are important for the economy of the region and the fungus has the potential to cause significant damage to that economy. Mr Daniels also indicated that broadacre farmers should be concerned about the fungus as it affects lupins which are widely grown in the areas north of Albany. For instance, if a farmer were driving a four wheel drive vehicle through an infected area the fungus could be transported to other areas and have a detrimental effect on farming operations.

I was surprised to read that the fungus can inhibit wheat production by 47 per cent. During debate on the Address-in-Reply I told the House that the wheat growing industry is significant in my region, in that we produce about 16 per cent of the State's crop in the agricultural hinterland around my town. If the fungus is allowed to reduce farm productivity by 47 per cent that will have a serious economic effect on the town of Albany because we are so dependent on the industry. Cooperative Bulk Handling Ltd and CSBP are major employers and if the productivity of farmers is diminished it will impact on the employment in the industries in my town. Home gardeners can be affected by this fungus. A truck laden with mineral sands can carry the fungus, which could be blown off to settle in the street or in gardens. Many plants which beautify people's gardens could be affected.

[Pursuant to Standing Orders, debate adjourned.]

### ADDRESS-IN-REPLY - EIGHTH DAY

#### *Motion*

Debate resumed from 1 May.

**HON BARRY HOUSE** (South West) [3.31 pm]: I support the motion moved by Hon J.M. Brown and also commend the work being done by the Governor, Sir Francis Burt and Lady Burt. It was recently my pleasure to attend Government House ballroom for a Commonwealth youth rally and to see at first hand the Governor's interaction with the young people of Western Australia. It is that theme I will concentrate on today: The youth of Western Australia.

I have the dubious honour of being the shadow Minister for Youth. I say dubious because I do not get any resources or very much assistance in that role and I am not quite sure whom I am shadowing because the Government does not have a Minister for youth at the moment. In the reshuffle in February the Ministry for Youth disappeared as a separate entity and youth affairs was integrated with the Ministry for The Family under the jurisdiction of the Premier. That is an area of major concern for people in Western Australia. The young people of Western Australia find themselves caught up in a deepening recession - along with everyone else - and recent events have led me to the conclusion that the youth of Western Australia, in particular, and of Australia generally are being let down by the labour movement throughout Australia.

I will highlight some recent events to illustrate the recession which has put 10.3 per cent of the work force in Western Australia out of work. That is the worst situation since the 1930s and is the worst of any State in Australia. That, however, does not tell the full story in respect of young people in Western Australia. Of those unemployed people, youth



unemployment is 26 per cent and in pockets of the State it is well over 30 per cent. That means up to one in three of our young people are unemployed. In addition to that we have seen and heard on many occasions in this House of a crisis in regional Australia and that has affected the young people of country regions more severely than their metropolitan counterparts. One example of that is the suicide rate. It is not a very pleasant item to speak of, but the suicide rate of rural youth is much higher than that of young people in the metropolitan areas. To confirm that the magazine for rural youth in Western Australia, *Interact*, dated 19 April said that during the 36 month period from 1986 to 1988 the highest rates of suicide occurred in the most remote areas of the State. The Kimberley and great southern regions recorded rates of 30 and 26.5 per 100,000 youth, aged between 15 and 24. This is in contrast to the Perth metropolitan rate of 12.8 per 100 000 young people. So the rates are more than double for rural areas. Another situation that backs up my claim that the young people of Western Australia are being badly let down by the labour movement is the fact that we have seen real cuts in funding for many youth services in Western Australia; for example, the Perth Inner City Youth Services, the Duke of Edinburgh Award scheme and many outdoor education facilities, to which I will refer later.

Hon Mark Nevill: You could cut it in half and it would still be a mile ahead of what a Liberal Government did.

Hon BARRY HOUSE: We can debate that, and argue that this Labor Government has cut youth services to the bone at a time when young people need assistance.

Hon Mark Nevill: If you are shadowing policy you should have something to say.

Hon BARRY HOUSE: Mr Nevill is obviously not the Minister for Youth Affairs, and he quite clearly does not understand the issues involved. In addition, the rejection by the industrial arm of the labour movement - that is, the Australian Council of Trade Unions - of the recent arbitration decision to award a 2.5 per cent wage increase across Australia has put the labour movement offside with all the unemployed people in Australia. As I mentioned before that includes a very high percentage of the young people of Western Australia. To illustrate how bad the situation has become, I refer to the Department of Social Security's unemployment benefits job search allowance figures in respect of the south west. In Bunbury in March 1990 the figure was 2 117 unemployed; in March 1991 that had increased by 56 per cent to 3 298. In Albany, the figure in March 1990 was 1 172 and by March 1991 it had increased 59 per cent to 1 865. In Mandurah the figure had increased by 78 per cent in that period from 1 146 to 2 037. That is an enormous increase in 12 months and indicates the depth of the recession in the south west along with every other part of Australia. Those worst affected are young people aged between 15 and 24.

They are the official figures and they do not include many aspects of youth under employment which is disguised unemployment. Large numbers of young people are returning to school in years 11 and 12 simply because they have not been able to find employment. That is an example of young people who would like to have a job, but who have not been able to find one. The short term training schemes, some of which are useful, some of which are not, have effectively taken people off the unemployment statistics thus making them look a little bit better. There are many examples of young people who are working part time; they do not have a full time job or a job that will lead to any career, but they are not included in unemployment statistics. I know of a few examples of young people who have moved back home with their parents. They are not employed part time but are simply sitting around long enough to qualify for unemployment benefits; that is a pretty depressing situation for many of them. The political arm of the labour movement is represented by Labor Governments in Canberra and in four States of Australia. They have produced the worst recession in Australia since the 1930s. They have, in Mr Keating's famous words, led Australia into recession and they produced the recession that we had to have. They did not follow the rest of the world into recession; they led the rest of the world.

Hon T.G. Butler: What newspaper have you been reading?

Hon BARRY HOUSE: The four States have compounded that situation by their financial incompetence. At a function I attended last night somebody from Victoria was telling me how, when he left the airport in Victoria, he saw a huge for sale sign on the ground and said that he was not sure whether it was indicating the sale of the airport or the State of Victoria. The other States are in diabolical trouble as well.

Hon John Halden: Nobody should forget the \$1.2 billion in New South Wales.

Hon BARRY HOUSE: The unemployment statistics in New South Wales are far better than in any State in Australia. The situation in New South Wales is much sounder than it is in Western Australia, Victoria, South Australia or Tasmania. We should refer to Queensland.

Hon Tom Helm: Mention the industrial problems in New South Wales.

Hon J.M. Berinson: Mr House, did you happen to hear Mr Nevill's contribution to this debate? If you had I would be surprised that you would ignore the references he made to the huge economic strengths of the State.

Hon BARRY HOUSE: Hon Mark Nevill made an interpretation.

Hon J.M. Berinson: He was not using any interpretation. He was just presenting the facts.

Hon BARRY HOUSE: I am presenting the facts too. Even though Queensland has a Labor Government it was lucky enough to inherit the legacy of a well managed economy.

Hon Mark Nevill: The brothels were really well managed in Queensland!

Hon BARRY HOUSE: A lot of bad things have been said about Sir Joh Bjelke-Petersen but at least he was not a poor economic manager. The deplorable state of the Government's financial management in Western Australia has led to many cuts in youth services at a time when they are most needed. I have given many examples of this before, including the industrial strikes and the fiasco initiated by the Australian Council of Trade Unions when it spat the dummy after the Australian Industrial Relations Commission returned a finding that the ACTU did not like.

Hon Tom Helm: It was a bit like Robe River.

Hon BARRY HOUSE: It was supported by the Federal Government. The ACTU showed its colours by indicating clearly that their concerns lay totally and solely with the vested interests of large unions. It does not care about the enormous rate of unemployment in Australia and does not care about the even bigger - in percentage terms - pool of unemployed young people in Australia. I have already said that 26 per cent or more of young people are unemployed.

Hon John Halden: What was the figure in 1982? I agree that it is a concern.

Hon BARRY HOUSE: I do not have the figures. Perhaps the member could quote them when he rises to speak.

Hon John Halden: It was 30 per cent.

Hon BARRY HOUSE: The figure now is at least as bad as it was in 1982. Unemployment has not bottomed out yet. Worse is to come before it gets any better.

Hon T.G. Butler: What makes you think that?

Hon BARRY HOUSE: The unemployment figure improved in 1982. The cuts to youth services are threatening many of the outdoor education facilities, particularly the camp schools. The withdrawal of funding for some of these activities is nothing short of educational vandalism because it will destroy overnight an educational philosophy that has taken 30 years to develop. That educational philosophy aims at the development of extracurricular activities and support facilities provided by personnel, including youth education officers in schools. It is also aimed at providing facilities and resources for organisations, such as camp schools, and other outdoor educational courses.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

Hon BARRY HOUSE: The action by the Government to withdraw funding for many outdoor education support facilities amounts to economic vandalism; this will result in the overnight destruction of an education philosophy which has taken many years to develop. Undoubtedly, these courses have enormous educational and sociological value and they must be retained and encouraged. They are vital in encouraging self-esteem among young people attending our schools. They also help to integrate many different parts of the school curriculum, and these programs keep many young people from progressing to gangs of car stealing thugs, the type of which we have seen plenty around the streets of Perth in recent weeks.

Obviously these days many traditional values are not being instilled in young people by their families, and many reasons exist for that. A child's parents may be too busy. We have a totally different lifestyle now and parents do not spend as much time with their children as they did in the past. It is a fact that many of our problem young people come from one parent homes and over recent years the schools have had to shoulder the bulk of the burden and to develop programs to cater solely for this need. It is a sad situation to find that these programs are now placed in jeopardy by an uncaring, financially strapped Government.

Examples of the schemes under discussion of closure are the education support facility at the sail centre, the expedition boat shed and Seatrek. Also, the camp schools at Pemberton, Bridgetown and Port Peron are under real threat of closure. These threats were not allayed by the Minister for Education when she answered a question I asked in this House a couple of days ago. I asked the Minister to clarify the situation regarding the future of the school camps and she said -

The future management or indeed the closure of the camp schools is under consideration currently.

It is widely known in education circles that the camps are being strongly considered for closure or removal to the responsibility of another ministry.

Another tack has been to make the camp schools cost effective. This is a euphemism for making the parents and the schools pay for the use of the services. This will place them out of reach of many of the very students for whom they are designed. Many of these students are in the "student at risk" category, and they need the service more than anyone else. These services are used by thousands of students from many schools and other organisations around the State. The programs are responsible for extracurricular activity and they help integrate the school curricula and introduce a fun aspect into learning. They are also important for disabled and isolated students. Indeed, we may ask where those people will go following the closure of these services or having them priced out of their range.

The Government has no Minister for youth in its present hierarchy to represent it at a Cabinet level. The message is not getting through to the level where decisions are made. Youth affairs is now buried in The Family portfolio and it is hard to ascertain who is responsible for it. I have indicated that a very effective and necessary part of our education system has been placed in jeopardy. I will illustrate another area where the Government is attempting to replace a system altogether, and refer to a youth affairs field meeting held on 24 April. This meeting was held to help in the collation of a submission to the Community and Family Commission. That is a wonderful sounding name with well worded objectives and it is headed by Mrs Ruth Reid, the widow of a former Governor of Western Australia; a lady who has the respect and admiration of all Western Australians. However this organisation is being misused by elements within the Government to promote their own agenda and to illustrate this I will read portions of a document from the Youth Affairs Council of WA which lists the council's concerns for the future and suggestions for improving all aspects of community and family life.

The document states that the commission will collate its findings and make a number of recommendations to the Government which will form a cornerstone for State Government policies in this area in the future. So it is a document leading towards the formation of Government policy. The document states that it is important for the youth affairs field to have input into this process to raise the issues of concerns of young people and to ensure that any advice on policy development considers their interest. I totally agree with that statement. The document also states that the Youth Affairs Council will incorporate three elements into the commission as a result of the field meeting. To demonstrate my point I must rely heavily on input from a document called "Day in the Life". I ask the House to bear with me while I quote extensively from sections of this document. It is necessary to do so to establish the importance of the document. The story is introduced as follows -

This "story" has been written as a component of the Youth Affairs of Western Australia's response to the Community and Family Commission's public consultation. It is designed to complement the rest of the Council's response by providing a vision of what the future could be like.

As I said, it is aimed at forming a cornerstone of Government policy. The document has an

introduction, and then an interpretation is put on the story by the author who presumably comes from the Youth Affairs Council. It starts like a fairy tale. In fact members will realise as I read parts of the document that it is pitched at primary school level and is a pretty puerile sort of document. It says -

*Once upon a time, some time in the future, things changed. They changed dramatically and they changed for the better. A lot of people with visions became people taking action and the world became a much nicer place to live in. It became much nicer in a number of interesting and exciting ways. This story attempts to give you some glimpses of the ways in which things changed.*

Hon T.G. Butler: That sounds like the Liberal Party.

Hon BARRY HOUSE: The article continues in the following vein -

Jenna lay in bed staring at the ceiling. It was still too early to get up. Everyone else in the house was asleep, but she was too excited to sleep. Today was the day that her great grandmother was coming to stay. She'd only met Nanna once or twice when she was quite little, but Nanna was now coming to stay with her family for the next six months. Nanna moved around a lot, staying with various friends and relatives. It was a real privilege in the family to have Nanna stay with you.

It continues after Jenna got up -

Slowly people poured in from the different parts of the house. A lot of people lived in Jenna's house. Her mother, twin brothers, another young woman who lived up the road until her family moved away and her mother's best friend Hannah and her baby daughter. Some of her friends in school lived in bigger "families" like this, others with just a parent or two, some by themselves or with friends. The only thing in common was that everyone was entitled to and provided with some space of their own. Whether this meant living by themselves or having a big enough room in a communal house in which they could sleep, study, sit around, have guests, etc. in private varied according to personal tastes.

The interpretation following this part of the story is -

*Obviously families in this world have undergone some major changes. After much discussion and debate those people with vision concluded that the nuclear family was a myth. Not only did they often not work, they simply didn't often exist. To be quite honest, when you really think about it, how many of your friends' s or your children's friends live with mum, dad, brother, sister, cat, dog and budgie - and enjoy it!*

*Now these visionaries were not total cynics. They realised that families in themselves are quite a good idea. It's pretty neat to live with a group of people who care about you, teach you things and support you. Unfortunately, those biologically related to you may not be the best people to do that (incest statistics alone are enough to make your skin crawl). This is not to say that quite a few parents aren't jolly nice people, but we all know that there are times when we don't like either our parents or our children very much.*

*The end results of this is that young people should live in places where they feel safe, respected, nurtured and supported. Families should be good at it and there should be a wide range of alternatives available if they're not.*

Hon T.G. Butler: What are you quoting from?

Hon BARRY HOUSE: A document from the Youth Affairs Council of Western Australia titled, "Day in the Life". It forms an integral part of the council's submission to the Community and Family Commission. I will continue -

*Along with this housing has also changed dramatically. Homes are built around choice, not necessity, there are a wide range of housing alternatives, they are all safe, all secure, all provide some private space, and all are available to everybody.*

That completes that part of the interpretation and the story continues -

Jenna planned a special day for her a Nanna today. She had to go to school in the morning but Nanna would be coming too. In the afternoon she planned a magical

mystery school for Nanna, showing her all her favorite places and people in the neighbourhood. Tonight there was going to be community theatre at the town square.

Then the story describes breakfast in the household that contains, and I repeat, "Her mother, twin brothers, another young woman who lived up the road until her family moved away, and her mother's best friend Hannah and her baby daughter". The story then talks about Nanna and Jenna going to school and Jenna says -

In the mornings we usually work together on core subjects like communication, social studies, life skills and politics. In the afternoon we go off either into interest subject like languages and in-depth history/cultural study or community studies. Community studies involves working alongside people in the community to learn about the things that they do.

There is no mention of subjects like maths, science, English or language which most of us would agree are necessary to succeed in this modern technological world. The story goes on in a very "warm fuzzy" vein and we find that Nanna enjoyed the school experience. It comments on how Nanna was suitably impressed because the teacher wore colourful casual clothes. The interpretation of that section is as follows -

*Surprise, surprise, surprise, the inevitable catch cry of "school is boring" does not have to be intrinsically linked to education!! Contrary to popular belief young people (yes, I even mean those long-haired, scruffy layabouts you'd rather forget about) are actually intelligent and potentially creative human beings. They're easily bored but tend to respond well to attention and respect - like flowers respond to rain and sunshine.*

The story resumes -

At lunch time students gathered together in small and large groups, sharing lunches, talking about their classes and playing games (*non-violent, non-competitive ones, of course*). Jenna led Nanna to a group of friends to share their lunch. The group were in a deep conversation about a research project some of them would be working on this afternoon. The project focused on the land use in the region and the impact of Sustainability Ethics (SE - the broad policy which had been adopted for the past 20 years).

The interpretation of that is as follows -

*Whoa, that's a pretty intellectual subject for teenagers. Don't they usually only care about things like rock music, new clothes and skateboards. Well, its amazing what an inclusive and relevant education, and a supportive and co-operative community can produce. Actually, the rock music/skateboard stuff is probably all a bit of bluff really. Everyone knows young people care about the environment, they just don't expect young people to necessarily know anything about it.*

*And of course the environment has to feature in this future world. What visionaries would be real visionaries if they didn't consider the environment? A better world of the future has to have a sustainable environment built around an environmentally sensitive and sustainable economic structure. In fact, for there to be any world in the future at all, the so-called environmental idealism must be accepted as pragmatic realism (straight from the jargon dictionary - it means being green makes sense!).*

The story then goes on to tell how Jenna took Nanna on a tour of the community after lunch. The community has community bicycles, no fences between houses and lovely little parks, squares and communal areas everywhere. The interpretation of that is as follows -

*Along with military dictators and inefficient bureaucracies, town planners have been responsible for some of the greatest crimes inflicted on the community. Apathy and isolation were the result of some of their creative offerings in the 20th century. In the 21st century the visionaries learnt to design by involving communities. They also learnt to design for communities and people, not cars and businesses. A few millionaires were sad that Ford and Holden did not return the same profits, but people, communities, families and other businesses seemed to respond rather well.*

The next part of the story refers to Jenna leading her Nanna into the local health centre where her brother Ben worked. The interpretation is as follows -

*Work in a better world needs to be interesting, diverse and challenging. Employment in this future has changed to be useful, include training, offer a range of options - part-time, work from home (thanks to appropriately used technology), interspersed with study, etc. Theory and practice are intrinsically linked and there are no distinctions or different values between physical and mental labour.*

*Health has also gone off on a major tangent. Gone are the days when the health system waits until people get sick before it kicks into action. Health should be about helping people be healthy in the first place. It's also given up its dreadful snobbery for all things "scientific" and the ghastly jargon that went along with that. Science, technology and medicine have all learnt to incorporate a range of approaches which were previously labelled "alternative". The result is a wholistic approach to health through which everybody can participate in and be responsible for their own health.*

The next part of the story refers to the community theatre. The story continues -

Jackson was playing the lead role of a young person in the 1800s who is facing charges for horse theft. The court scene is time warped through different ages as he faces similar charges and different consequences. . . .

The script had caused them great problems - stealing a horse in the 1800s leads to life as a convict, stealing a car in the 1900s leads to imprisonment in a juvenile justice institution, but the 2000s gave the scriptwriters problems. In this society transport was declared a basic right. Public transport fulfilled most needs, with bicycles available free in the streets in the same way rubbish bins were provided as a public service in the 1900s.

The interpretation of that is as follows -

*So you think the law issue's been skipped over here. Prevention is better than cure as the old adage goes. If people live in a co-operative community with all their needs provided for - who's going to steal? Community arts itself is one way of preventing crime in that people are educated, involved, creative and happy. Crime prevention in the late 1900s which took the form of bars on windows, security cameras in public places and alarms on cars conveniently locks people into their own little isolated worlds and does nothing about tackling the causes.*

The last part of the story has Jenna lying in bed, staring at the ceiling and reflecting on a marvellous day. The summary is brief and very vital. It states -

*And so the sun sets on a better world. Just one footnote to remind you that you should assume that many of the characters in this story are Aboriginal, from non-English speaking backgrounds, have disabilities, are women, are youngold, are gay or lesbian, are from any number of marginalised groups, except class - it's been abolished!!*

I am sorry I had to read so much of the document but it was important for members to understand the context in which I am speaking. The participants in this field meeting were asked to fill out a sheet for a submission which would then form a vital part of the submission to the Community and Family Commission. That was the only document they were given as a reference. The essential points to rise from it are these: Not enough time was given to respond to the invitation to participate in the field meeting. When the information was given to me by a concerned person - on the Friday prior to the meeting which was to be held on the following Wednesday - there was not enough time for an office bearer of an organisation to get a proper response to the field meeting from the organisation's members. I wonder whether the hidden agenda behind that is to control the responses that will come from the field meeting. Also, it seems to have been very selective. Only selected groups seemed to have received the invitation to take part. It involves far reaching consequences for all aspects of our future society, including housing, education and transport. Schools and Homeswest did not receive the document.

Hon Cheryl Davenport: It is referred to in *The West Australian*. Anybody who wanted one of the documents could apply.

Hon BARRY HOUSE: How many people read *The West Australian* in that detail? Does the member call putting an advertisement on page 96 consultation?

Hon Cheryl Davenport: Surely it is part of the process.

Hon BARRY HOUSE: I do not call that consultation.

Hon Sam Piantadosi: How would you do it?

Hon T.G. Butler: How would you have let people know it was available?

Hon BARRY HOUSE: I would have made sure that everybody was aware of it and I would have given them more time and more alternatives. This is one document on which they could comment. If it were one of 20 different scenarios about our rosy future, things would be different. People have been given one choice and have been asked to comment on it. This document comes from an original brainstorming exercise and no details of its origin have been given. Who are the people who were involved in this brainstorming exercise? No information is available on how they were selected or where they came from. It could have been a group of social workers, carpenters or any other group. We do not know. The elements of this brainstorming exercise have been put together in this document which is written in simplistic language. It appears it was one individual's interpretation of a brainstorming exercise.

At the meeting held on 24 April those in attendance were asked to accept or reject this position paper. There was not much room for anything else. Do members call that consultation? I certainly do not. As I mentioned previously, the paper was not one of a range of scenarios presented to people to comment on, it was presented as one document which was to be accepted or rejected and the results were to be presented to the Community and Family Commission.

The document criticises the nuclear family as a myth and as something that is not appropriate for the future. It does not reflect public opinion in any shape or form. It also contains a strong element of the extreme environmentalist's views. Recently I heard an extreme environmentalist described as a coercive utopian, and that description is evident in this document. Environmentalists have a point of view, but it is welcome only as one in a range of scenarios; it should not be a take it or leave it situation.

The document implies that there should be social control from a community aspect; throughout the document we see that everything in the community is shared. It attempts to present a fair and a just world. If any member can tell me where that situation exists in reality, I would be pleased to know. The document certainly smacks of a Communist doctrine which has been thoroughly discredited throughout eastern Europe. It is a puerile document written in such a simplistic form that it is targeted at people on the middle primary level. I wonder about the intellect of the people who wrote it and who asked for comment on it. One must question the resources that were used to produce this document.

Hon John Halden: Don't they ask for comment on these matters?

Hon BARRY HOUSE: No, they are asking for acceptance or rejection of the document which is to form the cornerstone of the Government's policy in this area. It is not presented as one of a range of options, but as a position paper.

Hon John Halden: You are getting a range of options from it. No-one is saying that you should agree or disagree with it. People are being asked to comment on it.

Hon BARRY HOUSE: I do not believe that to be the case. This document could have been presented as one scenario; there are probably 20 others.

Hon John Halden: I agree.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! The debate between the two members is entertaining, but I ask Hon Barry House to direct his comments to the Chair.

Hon BARRY HOUSE: A number of years ago I read a book titled *Animal Farm*. I have had to jog my memory about some parts of it, but the document reminds me of the scenario created in that book and in the film which I saw subsequently. The document commences with the same promise that everything in the garden will be rosy by changing the system, but it conveniently leaves out the ending; that is, the pigs took control and that community regressed to a situation worse than the original. The document ignores the current restraints and realities such as the high unemployment among young people, the lack of funding in the education system, and the reality of drug abuse with substances such as alcohol and amphetamines, and petrol and glue sniffing.

From where did the funds come to produce this document? Did they come from the State or Federal Government? From where will the wealth be created to provide for such a magnificent utopia?

Hon B.L. Jones: Have you thought of writing to Ruth Reid and asking her about it?

Hon BARRY HOUSE: I will send her a copy of my speech.

The document implies public acceptance of the extended family as everyone's objective. I put to members a fair representation of the public's perception of this: The majority of the population support the retention of the nuclear family as the basis of our society into the future and will not accept as a fait accompli that that has changed.

The document contains contradictions and implies that alcohol and tobacco should be banned, but substances such as marijuana should be legalised. In summary, it is a classic example of social engineering by elements within a Government department which is presenting our community with a solution or fait accompli. I do not know about the details, but I am told from informed sources that much of the material in this document emanated from the agenda of the Edinburgh University, which follows a doctrine based on psychological research. I have absolutely no problem with the need for society and the Government to be involved in long term planning to cater for our future. In education, housing, health, transport, and a host of other areas that is absolutely vital and necessary, but the issue is how it is implemented. I take exception to the way this is being done in this document - it is a very selective, simplistic and distorted method.

I am concerned about the future of young people, and I have a great deal of confidence in their ability to cope and to decide, to a large extent, for themselves. I question the approach in this document which does not give them or society in general very much input into the future. As I mentioned, the document ignores popular opinion on things like the nuclear family and education. The young people of this country are being led into dangerous and unproductive areas and a future which will leave them with nowhere to go. I hope people, including the Community and Family Commission, are listening and will give consideration to the vast array of alternatives which are available. I hope the authors of this document readjust their priorities and their agenda and take a balanced approach to the future. I commend the motion to the House.

Debate adjourned, on motion by Hon T.G. Butler.

## ROYAL COMMISSIONS AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

### *Second Reading*

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.10 pm]: I move -

That the Bill be now read a second time.

Since the commencement of the Royal Commission into Commercial Activities of Government and Other Matters, the commissioners have requested attention to two matters concerning the legislation. The first matter is raised by the commissioners out of caution. It concerns the ability of the commissioners to sit separately when hearing matters within their terms of reference. The legislation does not at present specifically authorise the commissioners to sit separately. As a matter of prerogative power and at common law, Royal Commissions are free, in the absence of restrictions in their terms of reference, to decide how to conduct their inquiry. The terms of reference under which the commission is operating expressly authorise the commissioners to sit separately. However, some provisions in the Royal Commissions Act, for example, sections 9 and 10, can as a matter of implication be read as requiring the commissioners to sit together and thus override its terms of reference.

All members would agree with the commissioners that it would be most undesirable for there to be a risk of a successful challenge to the validity of the procedure of commissioners sitting separately. That would be particularly serious if a successful challenge were not made until



the closing months of the commission's work, with the possible result that much of the commission's work would need to be redone. To prevent that possibility, the Bill removes the causes of the possible difficulty and expressly provides that commissioners may sit separately when conducting commission hearings. As it may be desired that some future Royal Commission not be able to act separately, the Bill provides for the terms of appointment to be able to preclude members acting separately. I emphasise that in dealing with commissioners acting separately the Bill is not seeking to change the law but to remove possible uncertainty. It will leave decisions whether to act separately at any point in the hands of the present commissioners.

The second matter dealt with in the Bill concerns the power to search for and seize documents and other evidence. The commission has the power to summons people to attend. However, the legislation does not provide the commission with the power to search for and seize documents and other evidence. The police can assist the commission in collecting documents but police powers to obtain search warrants are limited to situations where there are reasonable grounds to suspect that an offence has been committed. However, in some matters the commission will not be in a position to know whether there are such reasonable grounds until after the evidence has been gathered. The Bill therefore provides for the Supreme Court to issue a search warrant on the application of the commission, or those assisting the commission, where there are reasonable grounds for belief that there are documents and other matter relevant to the commission's terms of reference. The public are protected against any abuse of the power to search and seize conferred by the proposed amendments because a warrant to obtain evidence can be issued only by the Supreme Court. It is anticipated that it will not be necessary for every Royal Commission in the future to have this power. For this reason the Bill provides that the terms of reference of a commission may preclude it from obtaining a warrant. The present commission will have the power. The amendments proposed in the Bill are desirable for the more effective operation of Royal Commissions and are proposed at the express request of the present commissioners. I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

## CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon John Halden (Parliamentary Secretary), read a first time.

### *Second Reading*

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [5.15 pm]: I move -

That the Bill be now read a second time.

This Bill will provide the first overall revision of the 1984 Act which created the Department of Conservation and Land Management and its controlling bodies. This Government is committed to continuing to build up this State's conservation estate; in the past two financial years more than 1 000 000 hectares were added, including four new national parks and four new marine reserves. This brought the total area of land managed by the Department of Conservation and Land Management to over 18 million hectares. It is with pleasure that I announce to this House that Western Australia is now to have a new category of reserve to be known as a "conservation park". Conservation parks will have the same functions as national parks but will be areas which do not have the same national significance; some will be areas which are smaller in size or have suffered some previous disturbance. A prime example is the conservation area of the Lane Poole Reserve near Dwellingup.

Conservation parks will have the same security of purpose and tenure afforded to national parks by way of a consequential amendment to section 31A of the Land Act. Members may be aware that the creation of this new category of land follows the extensive public consultation which occurred as part of the Department of Conservation and Land Management's regional forest management plans. Permission to undertake mining on conservation parks will be subject to approval by Parliament. This is the same requirement which will apply to A class nature reserves. However, statutory bauxite mining rights apply

to many of the proposed conservation parks. Another significant recommendation of the forest regions management plans was to afford security of purpose to State forest. These areas currently have security of tenure through section 9 of the Act. This Bill will require many changes in the purposes stated in a management plan for State forest to be approved by Parliament. The Bill also requires a management plan for State forest to specify its purpose or combination of purposes. A list of purposes is included in section 55 of the Bill. The security of purpose to be afforded to State forest has been sought by the conservation movement and the timber industry.

The creation of the Department of Conservation and Land Management in 1984 brought together the functions of a number of diverse Government operations. This is reflected in the fact that some employees, such as rangers and forest officers, have powers restricted to State forest and national parks. With the responsibilities of CALM crossing many land categories, it is important that employees have the necessary legislative base to authorise their actions on land under CALM's management. The Bill therefore creates a new staff category to be known as "conservation and land management officers". The department's forest officers, rangers and wildlife officers will assume this new title in addition to their existing duties, providing limited powers over all land managed by the department. The new staff category will not mean any increase in staff numbers, but will substantially increase management flexibility for CALM's field staff. Honorary conservation and land management officers will also be appointed, recognising and promoting the growing public interest in our environment.

Since its creation, CALM has actively sought to promote itself as an innovative manager of land for public purposes. This Bill now seeks to encourage such innovation by providing the department with increased flexibility in management agreements and to remove problem areas in the workings of the 1984 Act. Section 16 of the Act, whereby the department is authorised to enter into agreements for management of private land for limited purposes, is to be broadened to allow the department to manage the land for a public purpose. This will allow the department, for example, to enter into agreements with public authorities and private land holders to manage land as a regional park. Additionally, it may become necessary in some areas to seek voluntary agreements with pastoralists to allow public use of small areas of pastoral leases for activities such as camping adjacent to national parks. This section 16 amendment allows CALM to manage such areas under agreement, while not in any way restricting existing pastoral activity in the managed area. Ningaloo marine park is an example of an area where such agreements are desirable.

With the approval of the Minister and the National Parks and Nature Conservation Authority, exotic trees occurring on conservation reserves will be able to be removed and sold under a licence issued by the department, under proposed section 99A of the Bill. National parks and conservation reserves created or about to be created from State forest have significant and valuable plantations of exotic trees such as yellow stringy bark and pine. The trees were planted for future timber or power line pole purposes when the areas were State forest. These trees are not part of the natural environment and are of limited value to the local fauna. The trees can be removed as necessary operations at a substantial cost, but cannot be sold. Once the exotic trees are removed, the area would be replanted back to the naturally occurring tree species, such as karri, in the case of the yellow stringy bark.

Also, subject to stringent limitations, proposed section 99A of the Bill will allow trees to be removed from conservation reserves and sold if such removal is essential. The circumstances are specified to be the construction or reopening of a public road in accordance with a management plan or the construction of firebreaks. The removal of trees must better serve the land involved and the public will be informed prior to the trees being taken. The Act currently allows such trees to be removed as part of the department's necessary operations, but they cannot be sold; for example, if trees are blown down across a road, they would probably need to be burnt by the department.

The removal and sale of exotic and other trees as a result of essential works will require the approval of the Minister and the National Parks and Nature Conservation Authority. The proceeds from the sale of exotic trees and trees removed as part of the essential works will be required to be paid into a trust fund. The revenue obtained may be applied only to conservation reserves. The functions of the department will be amended to include the operations of the herbarium, the promotion of the conservation of water quality and quantity on CALM land, and the promotion of recreation. The department will advertise its intentions

to allow operations compatible with the purposes of national parks, conservation parks, and marine parks. The public will have the opportunity to make written submissions on the operations for the parks which do not have a management plan. The approval of the Minister responsible for CALM will be required for the operations. This procedure will provide greater flexibility than the present requirement to approve of such operations by the time consuming process of producing a full management plan for the park.

The Bill will extend the maximum period of leases granted on conservation reserves from 20 years to 40 years to allow a lessee to recover the costs of investment in the required high standard of facilities. This lease period will predominantly apply to national parks and is particularly applicable to parks such as Yanchep, where significant investment is required to lift the standard of the leased facilities. The Bill will re-include unvested nature reserves in the definition of this land category, overcoming a problem experienced with the 1984 Act. The definitions of nature reserves and marine nature reserves have been expanded to allow protection of features of archaeological, historical or scientific interest such as stromatolites.

Membership of the two controlling bodies established by the 1984 Act will be amended. A person representative of Aboriginal interests will be added to the National Parks and Nature Conservation Authority, given that body's involvement with issues of Aboriginal occupancy of reserves and hunting rights. The Forest Products Council membership will be restructured to include timber union representatives. The Nature Conservation Trust of Western Australia will be established to seek donations and funds to allow the acquisition of conservation lands. The suitable lands acquired will be vested in the National Parks and Nature Conservation Authority. The trust will be serviced by the department but will be a body corporate in its own right.

The formal transfer of the herbarium from the Department of Agriculture to CALM has been delayed. There is consequently a need to amend the definition of herbarium botanist in the Misuse of Drugs Act 1981 to delete reference to the Department of Agriculture. The written certificates of identification in drug cases indicate the herbarium botanist is with the Department of Agriculture. If the identification certificates cannot be used, the botanist would need to make court appearances all over the State to identify drugs. With a consequential amendment of the Misuse of Drugs Act, new certificates of identification can be printed.

The final amendments I wish to cite relate to the intention to extend offences and strong penal penalties, which currently apply only to State forest and timber reserves, to national parks, nature reserves, marine reserves and the new land category, conservation parks. Offences on conservation reserves are currently subject to regulations only, with the maximum penalty being \$1 000. Both penal and monetary penalties will apply. Fines have been dramatically increased to be commensurate with the penal penalties. Where the penalty will be imprisonment for one year, the monetary penalty will be \$10 000. Where it will be six months' imprisonment, the monetary penalty will be \$4 000. Premeditated offences should be significantly discouraged by the new penalties. The maximum penalties under regulations will be increased from \$1 000 to \$2 000. On the spot fines or infringement notices will be added, cutting down the department's costs associated with pursuing minor offences.

In relation to that matter, the department's objective, and that of the Minister, is not just to become involved in taking action against people who do the wrong thing in national parks and conservation reserves, but more particularly to encourage people to do the right thing. It has become very noticeable, particularly over the last year or two, that many rangers are saying that rather than their being police officers on these reserves they are now being information officers, advising the public how to look after these reserves in the way they should be looked after. That is a very pleasing aspect of the community's interest in environmental matters.

The amendments sought form an integral part of this Government's ongoing commitment to the protection of our natural environment. They also continue to enhance the work which was commenced with the creation of CALM in 1985 and provide additional impetus to the incredible record of achievement which has followed in the subsequent six years. The amendments are imperative to the Government's aim to increase the size of our conservation estate and also to ensure that these reserved areas are protected for and enjoyed by generations of Western Australians.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pental.

## **IRON ORE (MARILLANA CREEK) AGREEMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [5.24 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 20 December 1980 between the State and BHP Minerals Limited.

The Iron Ore (Marillana Creek) Agreement has been negotiated to facilitate the development of a new iron ore project in the central Hamersley Range area by BHP Minerals. This will be the first iron ore development for many years that has required a totally new agreement to be negotiated and includes many innovative clauses that provide a greater degree of control of company activity than has existed under previous State agreements.

The particular purpose of the agreement is to provide a comprehensive framework for managing future changes to the iron ore Marillana Creek project, particularly in relation to production and work force increases and changes in the work force accommodation arrangements. The proposed project is located in the Pilbara, approximately 90 kilometres north west of the township of Newman and 290 kilometres south of Port Hedland. The project will commence on a small scale to develop the Yandicoogina pisolite ore in the marketplace. This ore will help replace Koolan Island iron ore in the BHP blast furnaces when that ore runs out in 1993. It will also allow for the retention by BHP of export markets. The project will cost around \$100 million to develop and will employ a peak construction work force of around 300. The permanent work force will be around 70 persons, and the export income generated will exceed \$100 million per year when the project comes on stream in 1992. I should note that the project has environmental clearance from the Minister for the Environment following EPA assessment based on a Public Environmental Review prepared by the company. At the conclusion of my comments I will seek to table plans marked "A" and "B" which are not part of the agreement. Plan "A" will serve to show the House the location of the proposed project, and plan "B" details to the House exploration licence Nos 47/294, 47/71 and 47/23, which are the subject of the agreement.

The agreement provides for an initial project with production of up to 5.5 million tonnes per annum of iron ore from a mining lease which will comprise the land currently the subject of exploration licence Nos 47/294, 47/71 and 47/23. The agreement has been specifically negotiated around this initial project but provides, with the approval of the Minister, for increased production beyond 5.5 million tonnes per annum and allows for substantial renegotiation if the company seeks either to increase capacity or production beyond 10 million tonnes per annum or its mine work force beyond 100 persons. The company proposes to enter into arrangements with the Mount Newman joint venture participants for the use of the participants' existing rail and port facilities. The company will construct a 32 kilometre rail spur from the mining lease to link into the existing Newman-Port Hedland railway. The iron ore will be transported using Mount Newman rolling stock and will be handled at the port by Mount Newman. This approach makes maximum use of existing infrastructure, which has been long standing State policy. The company proposes that the initial mining operations will be undertaken by contract work force. The mine work force will be accommodated while on site in temporary accommodation units - but not caravans - located near the mining lease. The accommodation and associated facilities will be of a standard generally used in the mining industry and will include a swimming pool and a sporting area. Under the terms of the agreement the company is obligated, and has undertaken, to use all reasonable endeavours to ensure that as many as possible of the contractor's work force are recruited from people already resident in the Pilbara.

I now turn to the specific provisions of the agreement scheduled to the Bill before the House.

Clauses 1, 2, 3 and 4 are in the current form of the State resource development agreement opening clauses dealing with the definition of terms used in the agreement; certain interpretations of references and powers contained therein; the initial obligations of the State with regard to the ratification of the Bill; and to allow entry upon Crown lands for the purpose of the agreement; and the coming into operation of the agreement. The deeming of the company's association with the Mt Newman participants for the purposes of clauses 7(3) and 23(5) of the agreement is dealt with in clause 2(2). Clause 5 serves to cancel the Iron Ore (Broken Hill Proprietary Company Limited) Agreement Act 1964 which by way of clause 23(4)(g) has reserved to BHP Minerals Ltd temporary reserve Nos 2022H to 2029H and 2351H to 2355H. Exploration licence No 47/294, the subject of this agreement, comprises the land within temporary reserve No 3359H - previously temporary reserve 2351H. Other temporary reserve Nos 2022H to 2029H and 2352H to 2355H now comprise temporary reserve No 3358H. During the process of negotiation BHP Minerals Ltd agreed to forgo the reservation of temporary reserve No 3358H in favour of bringing exploration licences numbered 47/71 and 47/23 together with exploration licence 47/294 under the Marillana Creek agreement. Accordingly the provisions of clause 23(4)(g) have been satisfied and the 1964 agreement can be cancelled. Clause 6 requires BHP to continue its field and office engineering, environmental marketing and finance studies to enable the company to finalise and submit to the Minister detailed proposals required under clause 7. Clause 7 requires the company to submit to the Minister, on or before 31 October 1991, detailed proposals for, among other things, the production, transport and shipment of up to 5.5 million tonnes per annum of iron ore, associated infrastructure including power, water, roads and mine aerodrome, accommodation and ancillary facilities for the work force, use of local labour, services and materials and an environmental management plan.

The detailed proposals may, where approved by the Minister and other parties concerned, provide for the use by the company of any existing facilities, equipment and services belonging to or provided by the Mt Newman participants or any other party rather than providing for the construction, installation or provision of new facilities, equipment or services. Clause 7(4) requires the company to submit to the Minister details of those elements of the project it proposes to consider obtaining from or having carried out outside Australia, together with reasons for requiring such works to be undertaken outside Australia. The company shall consult with the Minister in this regard if the Minister so requires. Clause 8 contains similar provisions to those contained in other ratified agreements for consideration and implementation of proposals and for submission of further proposals as may be required. Clause 8(6) provides that if all proposals required under subclause (1) are not approved or determined by 31 October 1992, or such later date as the Minister may approve, the agreement determination provisions may take effect. Under clause 9 the company, during formation of its initial proposals and any development of subsequent proposals, is required to take into account and/or make provision, where it is reasonably practicable, for the economic and orderly overall development of the agreement lands and development of other iron ore deposits; appropriate infrastructure development in the central Hamersley Range area, having regard to the existing iron ore operations, facilities and other existing developments; and an open town or other appropriate housing and accommodation arrangements to service the iron ore mines and other developments in the central Hamersley Range area. The company and the State are required to cooperate and consult on the matters outlined, State Government policies and objectives, the company's commercial requirements, and any other relevant matter. Clause 10 provides for the submission of additional proposals if the company wishes to increase production to more than 5.5 million tonnes per annum - but no more than 10 million tonnes per annum - or to significantly modify, expand or otherwise vary its activities beyond those specified in any approved proposals. Clause 11 provides that should the company ever wish to produce more than 10 million tonnes per annum of iron ore from the mining lease, or exceed 100 persons in its mine work force, the provisions of the agreement can be opened up for renegotiation at the State's sole discretion, except for the following matters -

- (1) the term of the mining lease or the rail spur lease or the rental thereunder;
- (2) the rentals payable under any other leases or licences issued pursuant to the agreement;
- (3) the rates and method of calculating royalty; and
- (4) arrangements entered into for the rail transport of iron ore under Clause 23.

The company may not submit proposals without the Minister's consent. If there is no consent, the project cannot go beyond its approved capacity or work force. This decision is not open to arbitration. This clause is an innovative clause and gives the State a degree of control over the project that does not exist in other agreements.

The term of the mining lease, which is referred to in clause 12, will be for three consecutive terms of 21 years but subject to the sooner determination upon cessation or determination of the agreement. The rental will be as set from time to time under the Mining Act. Clause 12(4) requires that the company lodge with the Department of Mines -

- (1) periodical reports and returns as may be prescribed pursuant to regulations under the Mining Act;
- (2) annual reports on ore reserves within the mining lease; and
- (3) reports on drilling operations undertaken to discover or define future ore reserves on the mining lease and, if requested by the department, reports on drilling done within blocks of proven ore for the purpose of mine planning.

Subclause (8) addresses the process of third parties obtaining mining tenements for minerals other than iron ore over areas the subject of the mining lease.

Clause 13(1) provides that royalty on iron ore from the mining lease will be at the rate of 5.625 per cent of the f.o.b. value. A concessional royalty at the rate of 3.25 per cent of f.o.b. value will apply to iron ore which is beneficiated by the company in a plant constructed in accordance with its approved proposals. The 5.625 per cent rate of royalty is a major departure from existing State iron ore agreements. Those agreements provide a royalty rate of 7.5 per cent for lump ore and a concessional royalty of 3.75 per cent for fine ore. As the project initially proposed by the company will produce only fine ore, the new rate of 5.625 per cent will result in royalty payments to the State of approximately \$2 million each year - while production is at 5.5 million tonnes per annum - more than would have been the case had the 3.75 per cent concessional royalty been adopted.

Clause 14 requires the company to carry out a continuous program, including monitoring and the study of sample areas, to ascertain the effectiveness of the measures being taken pursuant to approved proposals for the rehabilitation, protection and management of the environment and, where required from time to time by the Minister, to submit detailed reports thereon. Where the results of monitoring or any other information become available to the company which may enable it to rehabilitate, protect or manage the environment more effectively, and where the adoption of such measures could require changes or additions to approved proposals, the company shall be required to notify the Minister and, following such notification, to submit a detailed report thereon. The Minister may, within two months of the receipt of a detailed report, notify the company that he requires additional detailed proposals to be submitted in respect of all or any of the matters the subject of the report and any other matters as he may require. In such circumstances the company will be required, within two months of receiving the notice, to submit to the Minister additional detailed proposals for consideration, approval and implementation as provided for under the agreement. Clause 15 addresses the use of local labour, services and materials. Subclause (1)(a) requires the company, except in those cases where it can demonstrate its impracticability so to do, to use labour available in Western Australia while using all reasonable endeavours to ensure that as many as possible of the contractors' work force be recruited from the Pilbara. This provision has resulted from the Government's commitment to regionalisation and the preference to regional employment. One of the State's positions in the negotiation of this agreement was to provide ministerial control of the permanent infrastructure for this project. This was alluded to earlier in the provision of temporary accommodation units. This ministerial control will allow for the orderly overall development of the central Hamersley Range area.

Clause 16 restricts the number of private roads providing access to the mining lease to -

- (1) the road between the mining lease and the accommodation area;
- (2) a road from the mine aerodrome;
- (3) a rail maintenance road serving the rail spur; and
- (4) the existing road from the Newman-Port Hedland rail road to the mining lease unless otherwise agreed by the Minister. The clause also requires that the

company obtain for itself necessary rights to use the Newman-Port Hedland railway road and the road from that access road to the mining lease. The company is not able to upgrade the mining lease access road beyond the standard specified in its initial proposals without the prior consent of the Minister. The clause further requires the State to maintain or cause to be maintained those public roads which may be used by the company for the purposes of the agreement. Should the company require the upgrading of a public road, or if use by the company causes excessive damage or deterioration, other than fair wear and tear, the company shall be required to pay the whole or an equitable part of the total cost of such road upgrading or repair.

Clause 17 restricts the standards of the mine aerodrome to be used for the project to the minimum requirements for an authorised landing area, unless otherwise approved by the Minister. Under the provisions of clause 18 the company is required to purchase its electricity requirements from the State Energy Commission or to negotiate with the commission for the payment of an equitable contribution towards facilities which would enable the commission to supply power to the company. Should the company demonstrate to the Minister that those arrangements would unduly prejudice its activities, or if the State Energy Commission were unable to provide power, the company may propose to install, subject to the provisions of the Electricity Act 1945 and at no cost to the State, equipment of sufficient capacity to generate electricity for its activities under the agreement. Clause 18(4) provides for the commission to purchase from the company power for its own use, on terms and conditions to be negotiated.

Clause 19 addresses water use and management for the project. The ore body to be initially developed by the company is contained within an ancient river channel and some two thirds of the ore lies below the water table. To mine the ore successfully, the mining area will need to be dewatered in advance, and continued dewatering will occur at an approximate rate of 14 000 cubic metres a day for the duration of mining at 5.5 million tonnes per annum. The bulk of the water extracted from the aquifer will be discharged downstream from the pit. Subclause (1) of clause 19 requires the company, to the fullest extent reasonably practicable, to use water obtained from dewatering on the mining lease for its operations under the agreement. The company is responsible for any adverse discharge or escape of water. Under clause 19(2) the company and the State shall agree on the amounts and qualities of water required for use at the minesite and the amounts required to be withdrawn in dewatering. Subclause (3) further requires the company to continue to investigate underground water within the mining lease and to report to the Minister the findings of such investigations as may be required from time to time. Clause 20 provides that where water is available and required from the State or a State instrumentality by the company for agreement purposes at places other than the minesite, the supply of water will be subject to the provisions of the Country Areas Water Supply Act or any other relevant Act. Clause 21 provides that accommodation for the work force at the minesite, up to the limits mentioned in clause 11, shall be temporary accommodation units. No dependants or pets are permitted at the minesite. The company will be required to confer with the Minister with respect to any changes it may desire to make to these arrangements. If an open town is proposed by the State in the central Hamersley Range area, the company shall be required to cooperate in studies, and if both agree that the mine work force can be located in the proposed open town, the company will relocate the work force and contribute to infrastructure and community facilities. This clause also provides that the company will confer with the Minister with a view to assisting with the provision of community infrastructure that is required in existing towns to service the company work force. There is a requirement for consultation by the Minister with the relevant local authorities in determining what facilities are required. Under clause 22 the State is obliged to grant to the company leases, licences, easements and rights of way for the purpose of the company's mining activities under approved proposals. Clause 23 relates to the construction and operation of a rail spur from the mining lease to Mt Newman Mining's Newman-Port Hedland railway. The clause enables the company to transport passengers and carry freight of the State and third parties over the rail spur where it can do so without unduly prejudicing or interfering with its operations under the agreement. The clause further provides that the company will not enter into any agreement or arrangement for the use of or carriage of its iron ore products over any railway not

established by it under this agreement without the prior approval of the State. This is consistent with the State's wish to develop uniform railway arrangements in the Pilbara.

Further processing of iron ore is addressed in clause 24, where the company, throughout the life of the agreement, is required to undertake ongoing investigations into the feasibility of establishing further processing of iron ore in Western Australia. Where, as a result of investigation by either the company or the State, it is concluded that further processing is feasible, the parties are required to consult on the implementation of such further processing. If the company is unwilling to proceed, the State may allow a third party to carry out the further processing. If this should occur the company will be required to supply iron ore to the third party in sufficient quantities and at appropriate rates and grades to meet the requirements of the third party. This obligation will continue for a period of at least the first 10 years at prices not more than the equivalent average f.o.b. value then being obtained by the company for its exports of iron ore. Clause 26 provides that rating of all lands the subject of the agreement, except the mine accommodation area and any other parts of the agreement lands on which accommodation or housing units for the company's work force are erected and lands used for commercial undertakings not directly related to the mining operations, will be on the basis of the unimproved value thereof. This places the agreement mining lease in the same situation as any other mining lease held under the Mining Act. Gross rental value rating may apply to the temporary accommodation area. The company is precluded from adopting the provisions of section 533B of the Local Government Act 1960 with regard to making an election for lower rate payments. The rating provisions will increase the shire's income compared to the income which would have been the case if provisions common to earlier State agreements had been adopted. Clause 36 contains the standard environmental protection clause that has been in all agreements since 1972. The stamp duty exemption provisions in clause 40 allow for three specific assignments of interest in the project and have been restricted to a period of two years from the date of the agreement. The period generally provided for in other State agreements has been seven years. Generally the remaining clauses are similar to those of other State agreements and they do not require any additional comment.

I seek leave to table plans A and B to which I referred previously.

Leave granted.

[See papers Nos 346 and 347.]

Hon J.M. BERINSON: I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

## STATE SUPPLY COMMISSION BILL

### *Assembly's Message - Conference Request*

Message from the Assembly requesting a conference on the amendment insisted upon by the Council, and notifying that at such conference the Assembly would be represented by four managers, now considered.

### *Committee*

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

Hon KAY HALLAHAN: I move -

That the Assembly's request for a conference be agreed to.

Hon R.G. PIKE: I remind the Chamber of the issue involved; that is, this is a Government initiative for a State Supply Commission, which organisation will be responsible for the expenditure of something like \$1.5 billion of this State's funds - and increasing each year. The Opposition takes the firm view that where a Minister properly has the right to direct the Supply Commission - if one likes, to buy pomegranates at Widgiemooltha, even if they are more expensive than imported pomegranates - the Minister should have that authority. We take the further view that the Minister, having given that direction, shall publish the fact of the direction forthwith in the *Government Gazette* and, when the House is sitting, within seven days it shall be known to the House; if the House is not sitting that shall be made



known within seven days of when the House sits. The Government has taken a foolish and foolhardy view that for the Minister to be required to do this is not in accord with what ought to happen or with good Government practice, and that it is bewilderingly sufficient for the Minister to merely make a report of the fact in the report of the authority, when it eventually reports to the Parliament. On the day this debate took place I pointed out to the House that the then Minister, Mr Troy, had released a report on that day which designated an action taken in regard to one of his authorities a year and a half previously.

The question is one of accountability, as precisely set out by the Burt Commission on Accountability. The Opposition takes the view that that section should remain. Remarkably, on that issue, and that issue alone, the Government sought to withdraw the Bill and not deal with it in the last session. The savings which no doubt will follow from such a commission being put into effect would amount to many hundreds of thousands of dollars. That money has been wasted. That is the nub of the question now before members.

Hon KAY HALLAHAN: The Government's view is that if the Minister gives a direction to the authority the authority should be obliged to report that direction in its annual report. In that way the recommendations of the Burt Commission on Accountability would be met. Indeed, it is a practical way to deal with the matter of directions being made public, and accountability would be satisfied. I do not understand the point made by Hon R.G. Pike about money being wasted and the Bill being withdrawn. I challenge the member on that point.

Hon GEORGE CASH: The Chamber should recognise how long this Bill has been under consideration; for instance, it was first allowed a second reading in the Legislative Assembly on 21 September 1989.

#### *Progress*

Pursuant to Standing Orders, the Chairman reported progress. Leave given to sit again.

#### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.55 pm]: I move -  
That the House do now adjourn.

#### *Adjournment Debate - Royal Commission Reference*

Hon J.M. BERINSON: In the course of questions without notice in recent days Hon R.G. Pike has been anxious to secure from me a response to a question relating to a hypothetical reference from the Royal Commission; that is, a reference the possibility of which has been the subject of media comment but has not actually emerged to my knowledge. I indicated in my reply to one of his questions on the subject earlier today that I was not aware of any such reference by the Royal Commission to me. Since question time I have had my office check the position in case such a reference has been referred without actually reaching me. The latest advice I have, as recently as 15 or 20 minutes ago, is that no-one in my office is aware of such a reference, so that I think I can safely rely on the fact that my earlier reply was not only correct in relationship to my own position but also to my office generally.

It has also occurred to me that it might be advisable, given the nature of this flow of questions, to elaborate a little on a reference that I made to my having acted for some considerable period now in the spirit of the Director of Public Prosecutions Bill. Without having a reference from the Royal Commission, it is really not open to me to judge whether what might be said in any such reference is already covered by my standing delegations in terms of the spirit of the DPP Bill to which I refer. Before I elaborate on that, I would not want to be understood to be taking the position that if a reference is received and it comes within the existing DPP-type delegation it will be delegated, but if such reference is received and it does not come within the standing guidelines for the delegation on DPP-type matters it will not be delegated. That is simply a position which I will consider when and if something is actually before me. I elaborate on that in case I gave the impression that the whole issue would be decided one way or the other on the basis of whether it is covered under existing guidelines. If it is so covered, it will certainly be delegated under those guidelines. If the existing guidelines do not cover it, it may still be referred on a delegated basis. However, that is a judgment that is impossible to make in the absence of any concrete proposal. With

the number of times that this question has arisen, especially in view of the fact that the DPP Bill has been reintroduced to the Parliament, I should provide some further detail of the references I have already made; that is, the delegations that I have already authorised in what I have called "the spirit of the DPP Bill".

Among the many matters which have traditionally gone to Attorneys General in the absence of an office of the nature of the DPP are five straightforward matters to which I will restrict myself for the moment. However, these do not exhaust in any way the delegations which have already been authorised. Firstly, I refer to the very important power of providing immunity from prosecution. This often raises extremely sensitive issues and an indemnity is rarely agreed to; however, well recognised categories of cases exist where it was in the public interest that that should be done. A very interesting public example is on display in Queensland at the moment where vital, and in fact irreplaceable evidence, I would imagine with its being a major trial, is being provided on just such an immunity. I make it clear that the power to grant immunity in this State has been delegated to the Solicitor General for a considerable period and does not require my approval.

Hon R.G. Pike: It is not law yet; I think you are filibustering this debate.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: One of the reasons which prompted me to provide the detail is the apparent ignorance of Mr Pike on the matter. Had he understood it, I suspect that he would either not have asked his questions or asked them in an entirely different way.

Hon R.G. Pike: It is not law and does not apply - you are filibustering.

Hon J.M. Brown: It is academic.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I have called for order several times. We are in the adjournment debate and if Hon Bob Pike takes exception to what the Attorney General is saying, he will have his turn to speak when his opportunity arises. I would advise Mr Pike not to interject again during the debate.

Hon J.M. BERINSON: Every time Mr Pike opens his mouth he compounds his error. He says that the DPP Bill is not law and therefore the delegation to the Solicitor General does not apply. However, it applies because I say it applies - I have said it in writing pursuant to another law to which I refer Mr Pike; that is, the Solicitor-General Act. The member will find that this written delegation -

Hon R.G. Pike: You will hear my case if I get a turn.

Hon J.M. BERINSON: If the member gets a turn I will be happy to hear him correct me as to the effect of the delegation to which I have just referred.

Hon George Cash: Do you expect to speak for much longer? Can you give an indication of how long it will take to make these comments?

Hon J.M. BERINSON: It will take about two minutes. I would have finished already if Mr Pike were not so objectionable.

Hon George Cash: If you get on with it, you will.

Hon J.M. BERINSON: It will not be two minutes from when the Leader of the Opposition first asked the question, but two minutes from the last interjection.

Hon Fred McKenzie: Then it is my turn.

Hon J.M. BERINSON: Another important issue with which I will deal briefly is an appeal against the inadequacy of a sentence. The authority to act in that respect has been delegated to the Crown Prosecutor. The third category is the fundamental area of decisions to prosecute. That also lies with the Crown Prosecutor. A matter which arises fairly rarely, but more often than most people apparently understand, is the question of discontinuance of prosecution, or *nolle prosequi*. It was the lack of knowledge of that power that led to so much attention and misrepresentation in the so-called J.J. Connor case. All references to the Attorney General have been delegated for some time now to the Solicitor General. Other matters which clearly emerge from the DPP Bill and which also have been entirely delegated to the Crown Prosecutor include that of the appointment of prosecuting counsel, and the question of whether in a particular case a charge should be prosecuted by the professional officers of the department or by brief to the private bar.

I refer to that last matter in conclusion because one of the most highly objectionable, totally unfounded and unsupportable allegations which has been made in this House on occasions was that I might have taken some interest in the appointment of a particular counsel to a particular case for a particular reason. What was so astonishing about that was that the reason mentioned was a desire to lose the case. That was about the silliest thing ever said, but it kept on being said. I indicated that the appointment of counsel, and whether they should come from the departmental legal officers or from the Bar, are matters which have been delegated to the Crown Prosecutor for a considerable period. That is a power which has been at the exclusive discretion of the Crown Prosecutor for as long as I have held the office of Attorney General. In other words, I have never, on any single occasion, had anything to say or do with that. That is nothing new. Although the other matters go back for some period, they are relatively new.

I hope that by indicating those matters for the benefit of Mr Pike he will be able to take advantage of the facts.

*Adjournment Debate - Anzac Award - Northam Fire Station*

**HON J.M. BROWN** (Agricultural) [6.09 pm]: I will not take more than 10 minutes of the time of the House. You would not allow me to take more, Mr Deputy President, as that is the time limit applied to each member during the adjournment debate. However, the House should not adjourn until I make two very important comments. The Anzac Award this year was awarded to six Australians: Three from Victoria, two from New South Wales and one from Western Australia. I am very pleased to inform the House that Hon Graham Edwards received the Anzac Award as a representative of Western Australia. It is a tribute to the great work he has done.

Government members: Hear, hear!

**Hon J.M. BROWN:** I had only a fleeting look at the award when Hon Graham Edwards received it on Anzac Day, but it was awarded for service that he gave to the veterans of Vietnam and to the disabled and for the way in which he has overcome his difficulties to give service to his great State and nation. I am sure that everyone would heartily agree that the award was well deserved and we offer our sincere congratulations and best wishes for the continued good service he has been able to provide.

Members: Hear, hear!

**Hon P.G. Pandal:** Even if it will be a short ministerial career.

**Hon J.M. BROWN:** Irrespective of the length of time he may serve, I thank him for his continued service both as a member of Parliament and beyond the realm of his parliamentary responsibilities. Knowing Hon Graham Edwards as I do, I am sure that he will continue with these responsibilities.

*Adjournment Debate - WA Fire Brigade Volunteers*

I want to bring to the attention of the House the opening of a new fire station at Northam. It cost \$400 000 and was built by a local builder. On behalf of the Minister for Police I had the opportunity to open the station. The fire services make a great contribution to this State.

**Hon R.G. Pike:** It is very important.

**Hon J.M. BROWN:** It is important; one thing it does is help insurance companies like the SGIO.

**Hon John Halden:** It is as relevant as anything you would say, Bob Pike.

**Hon J.M. BROWN:** I will say something about the volunteers of the Western Australian Fire Brigade and the great service which they provide. I congratulate them on their eighty-eighth demonstration that was held in Fremantle last month. It showed the keenness and ability of the men and women of Western Australia who volunteer their service so freely, willingly and professionally - that is very important. The situation in Northam is unique in that it is a dual purpose operation. It is a permanent fire brigade supplemented by a volunteer service. There has always been conflict in the past between volunteers and permanents, but in Northam I saw them working admirably together. I thought it was worthy of taking the time of the Chamber to mention how the operations work in Northam. Northam has a station officer with four firemen who are permanent members, as well as volunteer staff. They are

housed in the one building; they service the same vehicles; they share the same gymnasium and facilities. They do not share the same offices or ablutions, but they share the same common purpose. The Northam Voluntary Fire Brigade has 23 volunteers and three rookies who will eventually become firemen in their own right provided they measure up to the standards. For that group of people to be able to work in harmony for the protection, development and safety of the district of Northam is something that must be highlighted in this Chamber. I had never before been involved with a dual operation between permanents and volunteers.

We must give credit to the executive chairman, Mr Ron Sargent, for his administration overall of the Fire Brigades Board, and the officers who work under him. It is worth mentioning Chief Officer John McMahon, who has just retired from the brigade after 49 years of meritorious service. To appreciate the esteem and value that brigade members, both permanent and volunteer, had for John McMahon one must have been associated with the industry. I have been in the fortunate position of being associated with the fire brigade all over Western Australia but in particular in the agricultural region on the main line between Perth and Southern Cross. It is important that we acknowledge the service that former members have contributed to the fire brigade. I am sure that Max Castlehow, John McMahon's successor, has the same attributes. We must congratulate the volunteers: Mr Rod McNally, the secretary of the volunteer brigade; and Herb Smith and Geoff Landwehr, the volunteers' representatives. We must look at the way in which they perform their duties - and in some cases for 30 years. I have known Herb Smith for that long. We never see any commendation of these people and that is why it is appropriate to mention them now. The brigades have appreciated the constant attention of successive Governments toward their actions; in particular, that of the Government of the day, the State Labor Government, which has seen fit to purchase more than \$5 million worth of fire tenders; some 90 have been distributed to country areas in Western Australia.

Hon P.G. Pandal: It is the only money which you have spent wisely.

Hon T.G. Butler: Paying your wage is an unwise expense.

Hon J.M. BROWN: Distributed not only to the country but also to the metropolitan area.

Hon R.G. Pike: Do you want to tell us about the grasshoppers?

Hon T.G. Butler: Be quiet.

Hon J.M. BROWN: Listen to the grass roots of the Liberal Party.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order!

Hon J.M. BROWN: I recall someone referring to a person as a cockroach and there was a fight afterwards, and if Hon Bob Pike wants to talk about grasshoppers he can come out and I will talk to him about cockroaches that I know. Hon Bob Pike is detracting from the importance of the voluntary fire service which is augmented by the permanent service in strategic areas of the State. This voluntary organisation saves the State a lot of money. Members of the voluntary fire service are prepared to subscribe to their own equipment as are the local authorities and the State Government. If members saw the operations of a Hazchem rescue trailer and the people who go out at any time of the day or night in a salvage operation they would not treat the matter so lightly.

*Adjournment Debate - State Government Insurance Commission - West Coast Eagles*

HON PETER FOSS (East Metropolitan) [6.19 pm]: I feel I should reply to the attack upon me by the Attorney General earlier today and say that the Attorney General always sounds best when he does not get his facts right. We should perhaps look first to see what are the facts of my speech. Before I go into that I would like to say - in case there was any suggestion otherwise - that I have considerable respect for the professional ability of Mr O'Connor, which is in no way affected by this letter. He is a personal friend of mine, which again is in no way affected by this letter.

My speech should be looked at carefully. My first complaint is that I asked a question about the arrangements between the SGIC and the West Coast Eagles and I received from the SGIC what I regarded not only as an unhelpful, but an impudent answer. It is not the first occasion on which I have received such an answer from the SGIO. It refused totally to deal with the question about whether there were any arrangements for travel. In fact, my speech deals with the state of the sponsorship -

Hon J.M. Berinson: The SGIO does not answer questions.

Hon PETER FOSS: I am sure the origin of that answer was the SGIO. I asked what were the benefits and whether there were any arrangements. I still do not have an answer and I am very interested to get an answer. In order to get an answer, I asked the Attorney General for an answer on 28 March and I still have not heard anything from him. I am sure the Attorney General passed the matter on. We are now in May and I still have not received a proper answer.

The other thing that is most important is that the first time I got even the slightest inkling of an answer was in the letter that was written to me by the West Coast Eagles. Everybody else appeared to receive a copy of this letter before me. I understood that Mr Michell sent it to everybody, including the Press and the Attorney General. Eventually I received a copy and was one of the last people to receive it. I found out something which the SGIC was not prepared to tell this Parliament and that is that there are arrangements for people to travel to various places. I have only part of the answer; I do not have the rest of it. I do not know who has gone, what were the arrangements and how much has been spent on it.

Hon J.M. Berinson: It is only for your self-justification.

Hon PETER FOSS: No, it is not.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order!

Hon PETER FOSS: The question has been answered in part and that was the first thing I said in my speech. The second thing I said was that, having failed to get a proper answer from the SGIO, the reason I was concerned was that I did not receive an answer from the Minister in the other House, and I did not receive an answer from Mr Berinson when I asked him to follow it up. I was concerned because I knew there were kickbacks. I cannot characterise Mr Michell -

Hon J.M. Berinson: Have you ever been wrong in your life?

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! This debate has been going for quite a while. If it is to conclude with any sort of decorum, it would be advisable for the speaker on his feet to address his remarks to the Chair and for the interjections to cease.

*Withdrawal of Remark*

Hon PETER FOSS: I heard Hon Jim Brown use a term which is inappropriate parliamentary language.

Hon J.M. BROWN: I withdraw.

*Debate Resumed*

Hon PETER FOSS: I cannot characterise Mr Michell's going to Melbourne with his son because they are SGIO executives and customers - I assume they do it with important customers and not with everybody who insures a car with them - as being part of this arrangement. Frankly, does the Attorney General think that it is appropriate that Mr Michell should take his son to Melbourne as part of this arrangement?

Government members interjected.

Hon P.G. Pandal: Of course they condone that. They have condoned every other improper action for five years.

The DEPUTY PRESIDENT: Order!

Hon T.G. Butler: Throw him out.

The DEPUTY PRESIDENT: Who is the member suggesting I should throw out? This debate is becoming very heated and it is late on a Thursday evening. Mr Foss has five minutes to go of his allotted time. I suggest that we hear him in silence.

Hon PETER FOSS: I dealt only with those matters of which I had direct knowledge. I have information which I purposely did not disclose that Ministers of the Crown, such as Hon Pam Beggs, also went. I could have revealed that. I want to know whether she went, because that is the information that I have. However, I reasonably restrained myself from asking that and made no assertions about that.

Hon J.M. Berinson: Are you suggesting that that is improper?

Hon PETER FOSS: I made assertions on the facts as I knew them and I expect an answer. I think it is reasonable that I tell the House why I expect an answer. The SGIC still has not answered the question. I hope that it does inform me of all of these details. Had the SGIC answered all of the questions, the facts would be on the record. Whether Mr Michell went with his son would now be on the record. The Government knows that had these questions been answered, the answers would be on the record and I would not now have to complain about the SGIO's failure to answer and I would not have had to raise with this House my reasons for saying that I was disgusted with the fact that I had not received an answer. More importantly, I do not accept that this is an appropriate payment. Mr O'Connor has referred to this being a standard commercial arrangement. The SGIO is not a standard commercial company.

Hon Fred McKenzie: What is it?

Hon PETER FOSS: Yesterday I said that the Commission on Accountability had stated that the standard of accountability when people are locked in is different from that for commercial companies. If the SGIO wished to take its customers - I do not agree that that is appropriate - to Melbourne and Sydney it should have spent the money out of the SGIO and disclosed it and had it subjected to audit under the Financial Administration and Audit Act. That is the proper way it should have been done and Parliament would have been able to scrutinise the payments and judge whether that was appropriate. What did it do? It entered into an arrangement about which it refused to tell this Parliament whereby it was arranged that these trips would occur. Whatever Government members like to call that, I call it a kickback and it is entirely inappropriate.

Hon T.G. Butler interjected.

Hon PETER FOSS: The member can call it what he likes. It is entirely inappropriate for the directors of a company owned by this State to avoid scrutiny under the FAA Act by arranging for the money to come back to it and for that money to be spent on trips. I still want to know who are the customers who took these trips and whether they travelled in the way described, because I have information on that also. However, it is important to state that what I said is entirely correct. I have not received a response and I should receive a response. It was improper for Mr Michell to take his son on that trip in those circumstances. It does not comply even with what Mr O'Connor said happened; it is inconsistent with that. I do not know whether Mr O'Connor knew Mr Michell took his son on that trip. The fact remains that it is an inappropriate expenditure of public moneys to pay money over to the West Coast Eagles on the condition that some of that money would come back to be spent inter alia on directors of the SGIO taking trips interstate. If the Leader of the House thinks that is all right he should say so. However, I think it is entirely inappropriate. It is unfortunate that I learnt the first details of confirmation of this in a letter which came to me from the West Coast Eagles.

*Adjournment Debate - O'Connor Case - Medcalf, Mr Ian - Attorney General's  
Interference Comment*

HON R.G. PIKE (North Metropolitan) [6.29 pm]: The House should not adjourn until it takes note of a comment made by Hon Ian Medcalf, a former Attorney General, incorporated into *Hansard* on Tuesday, 12 March 1985, in relation to the J.J. O'Connor case. Sir Stafford Cripps, a Labour member of the House of Commons - I am fairly certain he was the author of this comment - said that, in matters of Government administration, if one does not learn from the mistakes of the past, one is bound to repeat them.

Hon Graham Edwards: And you got re-elected!

Hon J.M. Berinson: That is what Hon Peter Foss did in his further attempt of character assassination.

Hon R.G. PIKE: We should now contemplate what Hon Ian Medcalf said in regard to this Attorney General.

Several members interjected.

Hon R.G. PIKE: If the parrots opposite would keep quiet members will hear what he said. His Press release, which was incorporated in *Hansard*, is as follows -

The John O'Connor case was a clear case where the Court should have been allowed to make the decision, said former Attorney-General, Ian Medcalf.

The Crown Prosecutor should have been allowed to sign the indictment but the Attorney-General -

Hon Ian Medcalf was referring to Attorney General Berinson. To continue -

- intervened by calling for a report and he made the decision to withdraw the charge.

An Attorney-General's duty would normally be to allow the law to take its course, except in the most extraordinary circumstances.

Intervention by the Attorney-General would normally only occur on the direct advice of senior Crown law officers telling him that there was a case for him to intervene.

A decision not to prosecute is invariably based on their advice.

Several members interjected.

Hon J.M. Berinson: Do you remember what the advice was?

Hon R.G. PIKE: I can shout over members opposite. The Attorney General will have his turn in a moment. He should know the rules of this House more than anyone else, but he is the worst offender. To continue -

There was no such advice in this case.

This decision must inevitably be regarded as defeating the ends of justice.

This was a clear case where the Court should have been allowed to make the decision.

"If the case was really as weak as the Attorney-General seems to be suggesting, the courts would have decided," said Mr. Medcalf. "I do not know of a similar case," Mr. Medcalf added.

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

Hon R.G. PIKE: It is on page 753 of *Hansard* of 12 March 1985. To continue -

The extortion charge against Mr John O'Connor should not have been dropped without specific recommendations from senior law officers, a former Attorney-General, Mr Ian Medcalf, said yesterday.

He said that during more than seven years in the post he had never made such a decision without strong recommendations to do so from senior Crown law officers.

Hon J.M. Berinson: What do you recommend in this case?

Hon R.G. PIKE: If the Attorney General listens to me, he will find out.

Hon J.M. Berinson: You don't know what you are talking about.

Hon R.G. PIKE: I am sorry, but let us deal with this. The comment by the Attorney General is that I do not know what I am talking about.

Hon J.M. Berinson: I asked you a question and you have not been able to answer it.

Several members interjected.

Hon R.G. PIKE: The real issue is that I am merely quoting Hon Ian Medcalf whose reputation for efficiency and proper and ethical respect for the law is such that this Attorney General pales into insignificance by comparison. They are Ian Medcalf's words, not mine, that I am quoting. It is not a question of my not knowing what I am talking about. I am merely quoting Hon Ian Medcalf who said that in his seven and a half years' experience as Attorney General he had never known a worse case of interference in the law than this Attorney General perpetrated on that occasion. Why am I saying that?

Several members interjected.

Hon J.M. Berinson: Good question.

Hon R.G. PIKE: The Attorney General displays all the attributes of a Russian roulette Attorney General in the way he administers the law in this State, and that is the reason I am

saying it. Having said that, I wish to apply it to the question asked of the Attorney General tonight. In his normal erudite but non factual way he sought refuge in reference to the Director of Public Prosecutions. His most critical comment was that he would apply those regulations because he is the Attorney General in this place.

The real issue is this: Stripped of all its camouflage, all we are asking him to do is to say to the House, "To the degree that any reference is made to me as the Attorney General by the Royal Commissioners in regard to legal action which prospectively may or may not occur, I will make that decision on the precise facts of the case when they come before me." On his previous reputation in regard to the J.J. O'Connor case the record shows that it was an abominable decision by Hon Joe Berinson. The comments of Hon Ian Medcalf at that time support that view. He should say, "To the degree -

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! The time for debate has expired.

Hon R.G. PIKE: I am sorry sir, but I have one minute to go.

The DEPUTY PRESIDENT: The debate runs for 40 minutes and the time is up.

Hon R.G. PIKE: I move, without notice -

That so much of Standing Orders be suspended as would allow me to continue the debate.

The DEPUTY PRESIDENT: I will not accept the motion. The question is that the House do now adjourn.

Question put and passed.

*House adjourned at 6.35 pm*

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## QUESTIONS ON NOTICE

### INDUSTRIAL DEVELOPMENT - COMMITTEE MEMBERS

68. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

I refer the Minister to his decision to create a committee to co-ordinate industrial development in Western Australia and ask -

- (1) Who are the members of the committee?
- (2) Is the private sector represented?
- (3) If not, why not?
- (4) Are any regional areas (eg Kalgoorlie) represented?
- (5) If not, why not?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

(1),(4)-(5)

Members not yet appointed. Agencies to be represented include -

Department of State Development - Chair

Department of Land Administration - Office of Land Services

Department of Planning and Urban Development

Ministry of the Premier and Cabinet

Treasury Department

Water Authority of Western Australia

Industrial Land Development Authority - until the amalgamation of ILDA and DOLA complete

Service Authority and regional development authority representatives to be invitees as necessary.

(2)-(3)

No. It is an interdepartmental committee.

### CONSERVATION AND LAND MANAGEMENT ACT - AMENDMENT

#### *Conservation Parks*

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

- (1) Will legislation to amend the Conservation and Land Management Act by allowing for the creation of conservation parks as a legal entity be introduced this session?
- (2) If not, when is the Bill intended for introduction?
- (3) Does the Minister acknowledge that the conservation of jarrah in the northern jarrah forests is dependant upon the creation of such parks, given that most of the jarrah to be set aside for conservation purposes is to be included in conservation parks?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Conservation and Land Management Amendment Bill 1990 was introduced into the Legislative Assembly on 29 November 1990. It has been restored to the Notice Paper for debate during the current session.
- (2) Not applicable.
- (3) No. Jarrah is abundant throughout the south west, in national parks such as John Forrest, multiple use areas of State forest, and in areas proposed to become conservation parks.

## SANKO HARVEST - SPILLAGE DISASTER

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

I refer to the recent spillage from the vessel *Sanko Harvest* and ask -

- (1) Given that Esperance residents know the conditions of the area well, was any local community input sought, and/or received, regarding the decision-making process involved in managing the spillage disaster from the vessel?
- (2) If so, what did such local input involve?
- (3) What environmental expertise is available to those responsible for managing maritime disasters like the *Sanko Harvest* spillage?
- (4) What long term evaluation of the environmental impact of the fertiliser spillage from the vessel is planned?
- (5) As a result of the spill, has it been necessary to "put down" any seal pups?
- (6) If so, does it appear that more will have to be "put down" in the future?
- (7) Is consideration being given to a rehabilitation programme for the seal pups affected by the oil contamination?
- (8) If so, what are the details of such a programme?
- (9) How much money has the company contributed towards -
  - (a) the clean up of the spillage; and
  - (b) the rehabilitation of the seal pups?
- (10) Will the company be paying for any long term care and rehabilitation of seal pups?
- (11) Is a full public inquiry into the cause and effects of the spillage being considered/planned?
- (12) If so, will such an inquiry look into -
  - (a) the onus of responsibility for the spill; and
  - (b) the handling of the disaster?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) Environmentally sensitive areas were identified in discussions with local residents, fishermen and various locally based Government departments by expert consultants commissioned by the Environmental Protection Authority.
- (3) The EPA provides input to the State committee for combating marine oil pollution, as does the Fisheries Department and the Department of Conservation and Land Management.
- (4) Water column analyses show that the highly soluble fertiliser cargo has dissipated. The EPA has asked the Fisheries Department to arrange for the collection and analysis of flesh from bottom dwelling organisms, particularly abalone and scallops.
- (5)-(6) No.
- (7)-(8) Affected animals were cleaned and released. Their condition is being monitored but no further intervention is planned. Monitoring visits will be made in May and July.

- (9) (a) The owners and insurers of the *Sanko Harvest* have agreed to meet all reasonable clean-up costs. Total costs are yet to be finalised; however, invoices are being forwarded progressively.
- (b) Accounts of expenses are being kept and a recoup will be sought from the company when the task has been completed.
- (10) The company has contributed a \$50 000 grant for ongoing seal research, independent of the clean-up expenses.
- (11)-(12) The Federal Government is responsible under international and Commonwealth legislation for inquiring into maritime accidents, and an inquiry has been initiated. The State will consider the results of that inquiry when available.

**TAMALA PARK, MINDARIE REFUSE DISPOSAL SITE - ABORIGINAL CULTURAL MATERIALS COMMITTEE APPRAISAL**

278. Hon DERRICK TOMLINSON to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Was the rubbish disposal site at Mindarie appraised by the Aboriginal Cultural Materials Committee as a site of significance to Aboriginal people?
- (2) If yes, what was the committee's recommendation?
- (3) Was that recommendation communicated to the Mindarie Regional Council?
- (4) Did the council, in accordance with requirements of the Aboriginal Heritage Act, seek approval for development of the site before it proceeded?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) No.
- (2)-(3) Not applicable.
- (4) On the basis of its consultant's report it appears that the Wanneroo Shire Council believed its development proposal for the tip was not going to impact the Aboriginal site identified by the consultant. There was therefore no legal requirement for the council to seek approval under section 18 of the Aboriginal Heritage Act. Additional information on sites in the area has been obtained and the Mindarie Regional Council, which now runs the project, has been told to avoid all areas of the site identified.

**HORSERACING - TOODYAY RACE CLUB**  
*Racing Prohibition Discussions*

290. Hon MARGARET McALEER to the Minister for Police representing the Minister for Racing and Gaming:

In view of the imminence of the Toodyay Race Club racing season due to begin on 8 May, will the Minister advise whether she is prepared to receive a deputation from the Toodyay Shire Council and Toodyay Racing Club which I have requested (with the support of the member for Avon and the Hon Jim Brown MLC) in my letter to the Minister on 19 April to discuss the prohibition of racing on the Toodyay race track before 1 August, and the non allocation of racing dates after 1 August?

Hon GRAHAM EDWARDS replied:

While I am prepared to meet a deputation from the Toodyay Racing Club and Shire Council, I would point out that this is an industry decision and I have no power to direct the WA Turf Club in its day to day operations, nor would I wish to do so.

## RANDOM BREATH TESTS - WESTRAIL AND TRANSPERTH DRIVERS

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

Are there any plans to conduct random breath tests for alcohol and/or drugs on drivers employed by Westrail and Transperth as now occurs in New South Wales at the State Rail Authority?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

No. There are no plans by Westrail or Transperth to conduct random breath tests on drivers.

## SEAT BELTS - PIDGEON, TANYA MICHELLE

*Seat Belt Guard Invention*

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

- (1) Is the Minister aware of the seat belt buckle guard invented by Tanya Michelle Pidgeon of Chelsea Court, Dianella, who was named the 1988 Junior Inventor of the Year for her invention?
- (2) As a member of the committee of the Australian Transport Advisory Council can the Minister advise the current status of any inquiries or investigations in respect of the seat belt buckle guard invention being carried out by the Vehicle Standards Advisory Committee?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) The Vehicle Standards Advisory Committee is aware of the invention, but has yet to make a decision.

## WATER AUTHORITY OF WESTERN AUSTRALIA - MOTOR VEHICLES

*Private Number Plates*

313. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Was it a Government policy decision or a departmental decision to allow some Water Authority of Western Australia motor vehicles to have private number plates?
- (2) What criteria determines if a WAWA motor vehicle shall have private number plates?
- (3) What benefits accrue to WAWA in the use of private number plates?
- (4) What benefits accrue to WAWA officers in having a departmental vehicle with private number plates?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) All Water Authority of Western Australia vehicles fitted with private plates were authorised in accordance with Government policy.
- (2) The criteria used are those applicable to the executive vehicle scheme.
- (3) Benefits accrued to the authority are improved resource management.
- (4) No benefits accrue to the employees concerned. Staff eligible under the executive vehicle scheme pay for and receive the benefit of use of the vehicle outside working hours.

**WATER AUTHORITY OF WESTERN AUSTRALIA - MOTOR VEHICLES**

*Sedans and Station Wagons - Private Number Plates*

314. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) How many sedans and station wagons does the Water Authority of Western Australia have in its motor vehicle fleet?
- (2) How many of these sedans or station wagons have blue Government number plates and how many have private number plates?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) The Water Authority of Western Australia has 570 sedans and station wagons.
- (2) There are 354 sedans fitted with blue Government plates and 20 fitted with private plates. 195 station wagons are fitted with blue Government plates and one is fitted with private plates.

**ROADS - KALGOORLIE-PILBARA**

*Sealed Road Plans*

333. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

- (1) Does the Government have any firm plans to provide a sealed road from Kalgoorlie to the Pilbara?
- (2) If so -
  - (a) what is the favoured route for such a road and why is it the favoured route; and
  - (b) when will work commence on sealing the road?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

No. There are negotiations in progress concerning sealed access to various mines north of the end of the sealed road at Leinster but finality has not been reached on details.

**PRAWNS - TRAWLING TRIAL, WEST KIMBERLEY WATERS**

*Federal Approval*

336. Hon N.F. MOORE to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Is it correct that the Commonwealth Government has given approval for trial prawn trawling to occur in the west Kimberley waters?
- (2) If so, was the State Department of Fisheries consulted on this decision?
- (3) Is the Minister totally satisfied that the trial prawn trawling will not affect the pearl grounds in the area in any way?
- (4) If the Minister is not satisfied, is there any way in which the trawling can be suspended?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

- (1) Yes, the Commonwealth Government allowed trial prawn trawling to occur off the west Kimberley near Broome during 1990. The matter is again under consideration for 1991.
- (2) Yes.
- (3) No, as sufficient data is not available to totally understand the possible impacts of trawling on adjacent pearl stocks.

- (4) As the waters involved are under the control of the Commonwealth, trawling could be suspended only by a decision of the Commonwealth Minister for Primary Industries and Energy.

**LANE, MRS BARBARA - KIMBERLEY MAGISTRATE REMOVAL**

338. Hon N.F. MOORE to the Attorney General:

- (1) Is it correct that Magistrate Barbara Lane is to no longer serve on the Kalgoorlie circuit?
- (2) If so, is it correct that this decision is a result of pressure from Kalgoorlie MHR, Graeme Campbell for Mrs Lane to be removed?
- (3) If this is not the reason, why is Mrs Lane being removed?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) No.
- (3) As with all Petty Sessions magistrates, Mrs Lane's posting is at the discretion of the chief magistrate.

**OPHTHALMIA DAM, NEWMAN - ROY HILL WATER AQUIFER**  
*Kennedy Family Discussions*

339. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) Has the Minister undertaken any discussions with the Kennedy family of Roy Hill Station with reference to the Ophthalmia Dam at Newman?
- (2) If so, did the Minister indicate to the Kennedys that he agreed that the Ophthalmia Dam had affected the Roy Hill water aquifer?
- (3) If not, what is the Government's position on the claims that the dam is affecting the aquifer?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Yes.

(2)-(3)

The dam is a possible factor to consider in assessing the cause of alleged land degradation adjoining the river on Ethel Creek and Roy Hill Stations. The Water Authority is close to completing a report on rainfall and hydrologic conditions downstream of the Ophthalmia Dam since its construction. The Department of Agriculture will use this information to endeavour to determine what factors have led to stressed vegetation and degradation on the stations.

**BURSWOOD RESORT CASINO - TWO-UP AGREEMENT**  
*Changes Discussions*

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

- (1) Will the Minister indicate whether discussions have been held with the Burswood Island Casino with a view to altering the State agreement to allow two-up to be held by race clubs within a 200 mile radius of Perth?
- (2) If so, what is the result of that meeting and will changes take place?

Hon GRAHAM EDWARDS replied:

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

- (1) Yes.

(2) Despite my request that the distance limitation on the playing of two-up be changed, the Manager of the Burswood Property Trust has not

agreed to amend clause 22 of the State agreement which would enable two-up to be played by race clubs within a 200 kilometre radius of the Burswood Casino.

**ORD RIVER DEVELOPMENT COUNCIL - MEMBERS**

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

- (1) What are the names and the organisation or qualifications of the members of the Ord River Development Council?
- (2) What is the period of their appointments?
- (3) What remuneration will these members receive?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

(1)

1. Dr George Gardiner  
BSc (University of Western Australia)  
PhD Rangeland Science (Utah State University)  
Director Ord District Co-op  
Senior Consultant, Resource Consulting Services  
Banana farmer with experience developing new land.
2. Mr Frank Chulung  
Councillor Wunan Aboriginal Regional Council  
Experience with Aboriginal organisations and issues.
3. Mr Peter Finlayson  
Committee member and founding organiser Kununurra  
Horticultural Producers Association.  
Member Ord Agriculture Research Advisory  
Committee.  
Banana farmer with experience developing new land.  
Past experience with Agriculture Protection Board.
4. Mr John Willis  
Associate Degree Land Surveying  
Licensed Surveyor  
Member of the Institute of Surveyors Australia  
Regional Manager, Kimberley Department of Land  
Administration.  
Experience with State Government and land development  
practice.
5. Mr Murray Johnsen  
B E (University of Western Australia)  
Member of Institute of Engineers Australia  
Operations Engineer East Kimberley, Water Authority  
of Western Australia.  
Civil Engineer with design experience.
6. Mr Jeff Gooding, JP  
Associateship Town and Region Planning (WAIT)  
Acting Regional Co-ordinator, Kimberley Department  
of State Development.  
Acting Chairman, Kimberley Regional Development  
Advisory Committee.

Experience with local, State Government and the banana industry.

7. Mr Andrew Watson

BSc (Agric) University of Western Australia  
Regional Manager, Kimberley Department of Agriculture

Experience with new land agriculture in Western Australia and North Africa.

8. Mr Lindsay Innes

Managing Director Ord District Co-operative

Broadacre horticulturalist, horticultural exporter.  
Experience with tropical horticulture.

9. Ms Susan Bradley, JP

Pastoralist  
Cattle exporter

Local government experience, land development experience.

10. Councillor Keith Wright

Deputy Shire President, Shire of Wyndham/East Kimberley

Local government and small business experience.

11. Councillor Sylvia Hurse, JP

Business person  
Certificate of Teaching

Experience in representing conservation issues, local government and developing small business.

12. Mr Les Jackson

Corporate Farm Manager  
Director Ord District Co-operative

Experience with large scale corporate farming, tropical agriculture and hybrid seed industry.

13. Mr Torben Sass-Nielsen

Ord River Grain Pool Secretary

Experience with farming tropical grain crops in the Ord and Camballin irrigation areas.

14. Mr Jim Hughes

General Manager Ord District Co-operative

Experience with new land farming, crop development, agricultural service industries and agricultural export development.

(2) 12 months.

(3) Nil.

**WATER - ALZHEIMER'S DISEASE**

*Martin QC, Mr Brian*

356. Hon MARK NEVILL to the Minister for Police representing the Minister for Water Resources:

(1) Is it correct, as claimed today by Brian Martin, QC, that Perth's water causes Alzheimer's disease?



- (2) Is it correct that there is no empirical evidence to link aluminium in water to Alzheimer's disease?
- (3) How much aluminium hydroxide is to be added to Western Australian water this year?
- (4) What is the maximum concentration of aluminium (threshold limiting value) acceptable in Water Authority of Western Australia supplied water for human consumption?
- (5) Will the Minister write to the barrister and inform him of the scientific facts so that such statements are discontinued?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) No.
- (2) Yes.
- (3) Aluminium hydroxide is not normally added to scheme water in Western Australia; however, approximately 340 tonnes of aluminium as aluminium sulphate is used as a coagulant for some supplies where treatment is necessary. The treatment process removes almost all of this aluminium.
- (4) The World Health Organisation and the guidelines for water quality in Australia set by the National Health and Medical Research Council and the Australia Water Resources Council recommend a guideline value of 0.2 megalitres for non-health purposes only. There is no health limit. The 0.2 megalitre level is used by the Water Authority as a guideline.
- (5) No, it is not considered necessary.

### QUESTIONS WITHOUT NOTICE

#### ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT - GOVERNMENT ASSISTANCE APPLICANTS

142. Hon GEORGE CASH to the Attorney General:

Some notice has been given of this question.

- (1) Who has sought financial assistance from the Government for legal representation before the Royal Commission?
- (2) Who has been granted such assistance and what are the amounts of each grant?
- (3) What are the terms of those grants?

Hon J.M. BERINSON replied:

(1)-(3)

I thank the Leader of the Opposition for some advance notice of the question. I am advised that the information sought is being collated and will be forwarded to the member as soon as it is available.

#### ROADS - UNITED KINGDOM *Parking Zone Yellow Line System*

143. Hon GARRY KELLY to the Minister for Police:

The Minister may be aware that in built up areas in the United Kingdom no-parking zones are indicated by a double yellow line painted on the carriageway adjacent to the kerb. Controlled-parking zones are indicated by a similarly positioned single yellow line. At a glance the system seems to be an elegant method of reducing the number of signs that clutter the streetscape. Is the Minister prepared to direct the Traffic Board to investigate this system and to recommend whether this yellow line designation system should be adopted in Western Australia?

Hon GRAHAM EDWARDS replied:

I am prepared to consider both the question and the suggestion made by Hon Garry Kelly. In the short term I am happy to have the matter referred to the Traffic Board to seek some direction from it.

# ROYAL COMMISSION ON COMMERCIAL ACTIVITIES OF GOVERNMENT - WITNESS PAYMENTS

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

Are witnesses paid at the rate of \$65 an hour to appear before the Royal Commission?

Hon J.M. BERINSON replied:

I have no idea. I am not the Minister responsible for Royal Commission matters. I would therefore not expect to be aware of details of that nature. If the member places his question on notice I will ensure that he receives a reply.

# VICTIMS OF CRIME - "WHAT ABOUT ME?" REPORT RELEASE

145. Hon REG DAVIES to the Attorney General:

I understand that a report relating to victims of crime and titled "What about me?" has been in the possession of the Attorney's office for some two years. Does the Attorney propose releasing that document for public comment in the near future and, if so, when?

Hon J.M. BERINSON replied:

The Government's program in support of victims of crime is well advanced. The running has been mainly taken by the Minister for Police but that has been on the basis of close consultation with my department and others. I do not believe that at this stage of the development of the program much would be obtained from releasing a report which, from Hon Reg Davies' remarks - and I personally do not know - is two years old. Nonetheless, as he has raised the matter I will look into it and ascertain whether some purpose might be served by releasing it.

# SCHOOLS - SCHOOL RENEWAL PROGRAM *Report Tabling*

146. Hon MURRAY MONTGOMERY to the Minister for Education:

(1) Will the Minister indicate whether the report on school renewals will be tabled in the Parliament and, if so, when?

(2) Will the Government allow time for that report to be debated after it is tabled?

Hon KAY HALLAHAN replied:

(1)-(2)

I remind the member that I indicated to the House yesterday that the report would be released shortly and would be widely available for public comment for one month.

Hon P.G. Pendal: Why don't you call it the "School Closure Report", because that is what it is.

Hon KAY HALLAHAN: Closure could be a part of what happens.

Several members interjected.

The PRESIDENT: Order! The Minister will address her answer to Hon Murray Montgomery.

Hon KAY HALLAHAN: The report on school renewal is about renewal of schools in areas where some schools have depleted numbers of students and adjacent schools may like to consider what other facilities they would like. It is an opportunity for renewal of a number of schools. It may also involve the closure of some schools. I have indicated to the House before that I believe this will be a contentious report. We have areas where parents and staff

believe closure of their schools will be in the best educational interests of the students, so we will not have difficulties in those areas. However, I am sure that there will be other areas where, understandably, parents will want the local school to continue regardless of the fact that it is not in the position to offer the broadest range of educational opportunities to its students. The report will be released shortly.

Hon Murray Montgomery: How shortly?

Hon KAY HALLAHAN: Within the next week or two. I could table the report in the House; I had not thought of doing that. I thought I would make a copy available to each member. However, I will consider the member's suggestion at the time of release of the report. It may provide a good opportunity for me to make a ministerial statement.

Hon George Cash: Probably during question time as that is not unusual.

Hon KAY HALLAHAN: That is untrue.

Hon George Cash: Let us not argue about it now; sit down and let us get on with the next question!

Hon KAY HALLAHAN: I am sorry, but the Leader of the Opposition wanted to introduce these deviations, and I will deal with them if that is what he wants.

The PRESIDENT: Order! Let us not deal with any deviations.

Hon KAY HALLAHAN: I think I have answered the member's question.

#### SCHOOLS - WOODANILLING PRIMARY SCHOOL

##### *Closure*

147. Hon DERRICK TOMLINSON to the Minister for Education:

In evidence presented by the Ministry of Education to the Supreme Court in January of this year in a challenge brought by the Carmel Primary School Parents and Citizens' Association against the then Minister for Education, Dr Gallop's, authority to close their school, the Ministry of Education identified 34 schools which were being considered for closure. Will Woodanilling Primary School be closed this year?

Hon KAY HALLAHAN replied:

Questions asked by members today indicate the sort of interest that will be shown in this report. It is not possible to indicate at this time which schools may be considered for closure. I indicated yesterday that the initiatives for closure can come from three areas: The community, the district office of the Ministry of Education, or the central office of the Ministry of Education. I do not know whether out of one of those three areas a proposition will come to close Woodanilling Primary School; and I would not be of a mind to indicate any schools for closure. I have not given approval for the closure of schools. When we have completed the process of releasing the report and allowing a month for responses, that will be the time for people to indicate their interest in that matter.

#### STATE GOVERNMENT INSURANCE COMMISSION - WEST COAST EAGLES

##### *Foss, Hon Peter - Sponsorship Kickbacks Allegation*

148. Hon J.M. BROWN to the Attorney General:

- (1) Did the Attorney General note the direct accusation made yesterday by Hon Peter Foss that State Government Insurance Commission officers receive kickbacks from the SGIC's \$1.5 million sponsorship of the West Coast Eagles?
- (2) Has the Attorney General had the opportunity to make any inquiries into this matter?

Hon J.M. BERINSON replied:

(1)-(2)

I did note that comment last night. It was a particularly disturbing comment, and I have taken the opportunity today of discussing this matter with Hon Geoff Gallop, the Minister responsible for the SGIC, and have received from him an indication of the factual position. I doubt that Hon Peter Foss, given his past record, will be satisfied with any response given by me to his serious allegation. He will no doubt add to that a lack of satisfaction with any response by Hon Geoff Gallop or by the named and seriously maligned SGIC executive. I therefore refer instead to a copy of a letter to Hon Peter Foss on this matter from the Chairman of the West Coast Eagles. Coincidentally, the chairman is the same Mr T.E. O'Connor, QC whose high personal and professional standing has previously been acknowledged in this House by both Mr Foss and me. That would be one of the few occasions in two years on which Mr Foss and I have agreed, and it is memorable on that account alone. I am sure Mr Foss will remember it also. The letter from Mr O'Connor was written to Mr Foss, but Mr O'Connor has given permission for its public release. The letter states -

Dear Peter

I was shocked to hear your recent assertion in Parliament that the WCE had made what you described as "kickbacks" in the form of payments for travel to executives of the SGIO, thus inferring that this Club and its officers had been party to some wrongdoing in its sponsorship arrangements.

Your comments show a complete lack of understanding of how sponsorship in sport works.

The objective of a sponsor is obviously to increase its business. This is done through an advertising component, for example, logos on jumpers and by using the opportunities presented to cement relationships with clients and with potential clients.

The facts are as follows:

1. The SGIO is and has been a valued major sponsor of the Eagles for the last 4 years.
2. As part of our arrangements the Eagles, from time to time, include an SGIO executive and a customer, or potential customer, in a touring party. This gave the executive the opportunity to expose the customer to a close association with the team - something many people enjoy - and at the same time provides the opportunity to cement relations between the SGIO and its customer.
3. This Club does not readily include outsiders in its travelling party.
4. The SGIO executives and their guests mix with the players, travelling with them in economy class and staying with them at their suburban hotel.
5. This Club believes that it is important that the Club and its players develop a close relationship with their sponsors and, particularly, their major sponsors.
6. It is common for major team sponsors to travel with teams in national competitions.

The dramatic increase in public interest in football and the national competition in Western Australia can be partly attributed to the SGIO's continued sponsorship commitment over many years.

The Club resents the implication in your statement that the Club and its

officials have been guilty of some wrongdoing in what is in reality a very normal commercial relationship.

We also strongly object to the unfair slur you have cast on SGIO and its executives who have, at all times, been acting in the best commercial interests of their organisation.

In the circumstances I would request that you withdraw the implication you have raised.

Yours sincerely

T.E. O'CONNOR Q.C.

I believe it is fair to say that what we heard last night was character assassination in the most grotesque conceivable form; and, from what I can tell on the material now available, it was totally unjustified.

Hon George Cash: Why didn't you take a point of order?

Hon J.M. BERINSON: A kickback is a colloquial term which sounds very much like a secret commission; and that, as we know, is a very serious crime indeed. So Mr Foss was not pulling his punches.

Hon P.G. Pendal: Lots of people in this town know a lot about that.

Hon J.M. BERINSON: I cannot blame Mr Pendal for wanting to change direction. I can imagine his embarrassment about his being associated with such outrageous conduct by a colleague.

The PRESIDENT: Order! We are in questions without notice. We are not in a debating part of this procedure. I suggest the Minister answer the question so that we can get on with the next question and that he cease to take any notice of the interjections, because I will deal with those in a minute.

*Point of Order*

Hon R.G. PIKE: Mr President, I ask you to rule that what is in fact taking place now is a contrived debate and not an answer to a question. If members opposite raise this matter in a proper forum we will be delighted to meet them in it, but they should not frustrate and abort question time.

The PRESIDENT: There is no point of order.

*Questions without Notice Resumed*

Hon John Halden: As per normal.

*Withdrawal of Remark*

The PRESIDENT: Order! There is a point of order when you interject on a ruling which I give, and I take strong exception to that. I ask the member to withdraw such an inference.

Hon JOHN HALDEN: I withdraw.

*Questions without Notice Resumed*

Hon J.M. BERINSON: I do not intend, nor do I believe I need, to go on at length. The facts here speak for themselves. I was asked whether I had made inquiries. The answer is yes, I have made inquiries, and this is what I have learnt. The only thing to be added is the natural understanding which flows from the facts which have been presented. The outstanding fact is that what we had last night from Mr Foss was a gross abuse of the privileges of the House. That is especially striking, coming as it does from a member who constantly pontificates on proper standards and behaviour.

*Point of Order*

Hon PETER FOSS: I believe the Minister is again straying in answering the question.

The PRESIDENT: Order! That is not a point of order, but I ask the Minister to come to a conclusion with his answer.

*Questions without Notice Resumed*

Hon J.M. BERINSON: I conclude with one simple proposition. Mr O'Connor has put it to Mr Foss that he should withdraw those totally unfair, irresponsible and very damaging accusations. I believe Mr O'Connor has not gone far enough. He should have asked for Mr Foss to both withdraw and apologise; that is the least decent thing that could be done. I trust this will not present itself as another of those innumerable occasions where Mr Foss, by great feats of mental gymnastics, seeks to enter into some exercise in self-justification.

## STATE GOVERNMENT INSURANCE COMMISSION - WEST COAST EAGLES

*Proper Answer Request*

149. Hon PETER FOSS to the Attorney General:

- (1) Does the Attorney General recall that I asked him a question when I received an unsatisfactory answer from the State Government Insurance Office as to what were the arrangements with the West Coast Eagles, and he said he would take up the matter with the relevant Minister to ascertain the facts and give a proper answer?
- (2) Did he do that, and why have I not received that answer prior to now?

Hon J.M. BERINSON replied:

(1)-(2)

Frankly, unless it had been referred to again last night, I would not have recalled it. My invariable practice, however, is to have my office consider any answers I have given and to ensure that any follow ups that I have indicated should be proceeded with are in fact put in train.

Hon George Cash: There is no commitment from you for any undertaking you give in this House.

Hon Graham Edwards: Oh, stop interjecting!

The PRESIDENT: Order!

*Withdrawal of Remark*

Hon J.M. BERINSON: I demand a withdrawal of that remark, Mr President. That is another outrageous statement.

The PRESIDENT: Order!

Hon J.M. BERINSON: What the Leader of the Opposition is now attempting is to join Mr Pendal and Mr Pike in trying to avoid the embarrassment of their association with Mr Foss.

The PRESIDENT: Order! Honourable members are going to incite me to one of my fatherly advice sessions, which I am quite sure is a penalty they do not want inflicted on them. However, let me remind members that I have said on previous occasions that, particularly since the introduction of a limited time for asking questions without notice, members ought to be more direct in the way in which they ask the questions, and Ministers ought to be suitably brief and to the point in answering them. Members on both sides need to examine their respective games, because they cannot on one hand expect to get some leniency and, on the other hand, have the other side denied that leniency.

Frankly, I become annoyed - not because it worries me particularly whose feelings are hurt but because we are in a House of Parliament, where we are supposed to be carrying out our activities in accordance with some longstanding traditions and conventions and under a set of Standing Orders. When I have to adjudicate, it does not help if the person who, quite correctly, asks for some action to be taken embarks, during his request, on an equally unacceptable standard of behaviour. It puts me in a position where I must say, "In response to the first part of your request the person must withdraw the statement, but in response to the rest of the things you have said, you must withdraw them." It is not a game, and we are adult people. The Attorney

General was quite right; he is entitled to have that comment by the Leader of the Opposition withdrawn, and I ask the Leader of the Opposition to do so.

Hon GEORGE CASH: Could I seek your advice, Mr President, on the words the Attorney General has asked to be withdrawn?

Hon J.M. BERINSON: Those words were to the effect that undertakings which I give cannot be relied on.

Hon GEORGE CASH: If they are the words the Attorney General considers offensive, I withdraw.

*Questions without Notice Resumed*

**STATE GOVERNMENT INSURANCE COMMISSION - WEST COAST EAGLES**

*Proper Answer Request*

150. Hon PETER FOSS to the Attorney General:

Following from the previous question, in view of the fact that I still do not have a full and complete answer to the question I asked, and in view of the importance now being attached to what the arrangements were, would the Attorney General arrange as a matter of urgency for the House be informed of the answer to my question?

Hon J.M. BERINSON replied:

I am happy to refer this question by Hon Peter Foss for the consideration of the responsible Minister.

It seems to me that I have been misrepresented in an earlier question, and that my answer to this one is a convenient opportunity to correct both, as they both rely on the same issue. As I understood it, there was an attempt to give the impression that I undertook, apparently on 28 March, to ensure that Hon Peter Foss' request for full and further answers would be given. I have now had 30 seconds to check the *Hansard* and it appears to me that my reply did not undertake that; nor did it fall short of undertaking that by accident or error. I adopted on that occasion a form of answer which I have adopted to the question we are now dealing with, when in response to Hon Peter Foss' request for that full and further information I said -

Hon Peter Foss has my assurance that this matter will be referred to the responsible Minister.

That is virtually precisely in line with the answer that I have now given. It is not for me to commit another Minister to what response he may feel appropriate. My undertaking was to refer it to him. I had forgotten that until the reference last night, and accordingly I have not had the opportunity to check whether I or my office did fail to refer it on. If I did, I will be very happy at the first opportunity to indicate that to the House and to apologise and to make clear that I will ensure that the matter does go on.

The important thing, however, in relation to this constant attempt to show a lack of good faith in these matters is to emphasise that when I give an answer I mean what I say, not necessarily what the questioner would wish me to have meant to say.

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT -**

**LEGAL ACTION RECOMMENDATIONS TO ATTORNEY GENERAL**

*Solicitor General Referral - Hale, Mr, Contempt Prosecutions*

151. Hon R.G. PIKE to the Attorney General:

Given the recommendations of the Royal Commissioners to the Attorney General, reference contempt in regard to Mr Hale, and given the necessity for the Attorney General to observe Calpurnia's advice to Caesar -

Hon J.M. Berinson: Oh, very droll! We are getting cleverer every week!

Hon R.G. PIKE: - that is, to remain above suspicion - will the Attorney General cede to the Solicitor General his power to bring prosecutions for contempt in regard to Royal Commission recommendations?

Hon J.M. BERINSON replied:

The answer to the first part of the question is that as yet I have seen no such recommendation from the Royal Commission. It follows that the answer to any remaining parts of the question is: Not applicable.

#### TOWED AGRICULTURAL IMPLEMENTS REGULATIONS - CHANGES IMPLEMENTATION

152. Hon MURRAY MONTGOMERY to the Minister for Police:

- (1) In light of the Delegated Legislation Committee's report tabled in the House yesterday and the comments made in another place by the member for Wagin, when will the changes to the regulations which were promised by the Minister concerning towed agricultural implements be tabled in the House?
- (2) Until that is done, will the Minister reintroduce as a matter of urgency that regulation which he brought in and which existed between December and March, as cropping is now taking place in country areas?

Hon GRAHAM EDWARDS replied:

(1)-(2)

That matter is in hand, as the member is aware. We have given certain commitments to people and those commitments are being fully met. My understanding is that the member has been kept informed on those commitments daily.

Hon Murray Montgomery: When will it be brought on?

Hon GRAHAM EDWARDS: I will check my files and advise the member a little later this afternoon - if not, by Tuesday.

#### TOTALISATOR AGENCY BOARD - PUBTABS *Winning Post Tavern Application*

153. Hon FRED McKENZIE to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Has an application been received by the Totalisator Agency Board for a TAB agency to be established in the Winning Post Tavern, Belvidere Street, Belmont or nearby?
- (2) If so, what is the current status of the application?

Hon GRAHAM EDWARDS replied:

I have been informed as follows -

- (1) Yes, an application for a PubTab outlet has been received.
- (2) The TAB has recently issued proposals for 20 more PubTab outlets to be established. The list was settled on the basis of site suitability, customer need and equipment availability. The Winning Post Tavern proposal was not considered of sufficiently high priority to be included in the list.

#### ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT - LEGAL ACTION RECOMMENDATIONS TO ATTORNEY GENERAL *Solicitor General Referral*

154. Hon R.G. PIKE to the Attorney General:

Will the Attorney General indicate to the House whether he will, as a matter of correct propriety, refer to the Solicitor General any recommendations for legal action properly passed to him by the Royal Commissioners so that the Attorney is not seen as participating in matters or recommendations which might affect members of the Government and its supporters?



Hon J.M. BERINSON replied:

Apparently, Mr Pike wants to join Mr Foss in giving us a lecture on correct propriety.

Hon George Cash: You need to be told.

Hon J.M. BERINSON: I do not need lectures from either of them, and I certainly do not need one from the Leader of the Opposition!

Hon P.G. Pendal: From the state of your Government over the last eight years, that is exactly what you need!

Hon Kay Hallahan: Have a look at the Opposition.

The PRESIDENT: Order!

Hon J.M. BERINSON: The honourable member is inviting me to respond to a hypothetical situation; namely, something which has not yet arisen.

Hon R.G. Pike: I cannot hear the member; a whisper is not good enough.

Hon T.G. Butler interjected.

Hon R.G. Pike: Will the parrot please be quiet?

The PRESIDENT: Order!

Hon J.M. BERINSON: It is fair that I repeat the answer for the honourable member who asked the question. His question amounts to an invitation to respond to a hypothetical situation. The type of situation to which he refers may or may not arise. If and when it does, it will be necessary to consider it on the basis of an actual situation rather than a possible situation. As a general indication, which may help the honourable member, I have previously indicated that I have implemented procedures which have the effect of delegating the Attorney General's authority, as in the spirit of the Director of Public Prosecutions Bill. That may help Mr Pike part of the way, and it is as far as I can usefully go at this stage.

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