

# Legislative Council

Thursday, 24 September 1992

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

## SELECT COMMITTEE ON ABORIGINAL LEGAL SERVICE

### *Report Tabling - Extension of Time*

**THE PRESIDENT:** I am directed to present the report of the Select Committee on the Aboriginal Legal Service requesting that the date fixed for the presentation of the committee's report on the issue of contempt by service of the writ on the Clerk and other matters be extended from 13 October 1992 to 8 December 1992.

On motion by Hon George Cash (Leader of the Opposition), resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 427.]

## MOTION-SWAN BREWERY PRECINCT ORDER No 2

### *Disallowance of Order*

Debate resumed from 23 September.

**HON D.J. WORDSWORTH** (Agricultural) [2.37 pm]: The argument for the disallowance of the Swan Brewery Precinct Order No 2 has been fairly extensively canvassed. Therefore, I simply point out that Order No 1 deals with the annulling of the law on town planning and other matters, whereas Order No 2 refers specifically to hotel licences. The issue of the seven restaurants has already been discussed in this House. When one removes the necessity for the granting of licences to be considered by the Liquor Licensing Court one is starting to interfere with the private enterprise community in the area. Members would realise that provision exists in the Liquor Licensing Act for the granting of a new licence in that it must be heard by the Liquor Licensing Court, which is experienced in these matters. Opportunity must also be given for other outlets to object because it could affect their businesses and the like. Seven new licences have now been granted in one place and its effect on the rest of the industry would be significant. I remind members of the time when I endeavoured to get - I was successful in the end - a licence for a tavern at Lake King.

Hon Mark Nevill: We have heard this story many times.

Hon D.J. WORDSWORTH: That is right; I was not sure whether I would have to repeat it. A small community group of 250 people wanted a licence so they did not have to drink at the local -

A Government member interjected.

Hon D.J. WORDSWORTH: I am repeating it for Hon Kim Chance; he was not here before.

The residents of Lake King were forced to purchase their cans from the licensed bottle shop and have their after work drink in a railway shed which was three metres by four metres and was one metre off the ground. They wanted to build a tavern, but had difficulty in obtaining the appropriate licence. Members in this House campaigned extensively to Hon Des Dans, who was the Minister concerned. Finally he relented and charged the local community \$22 500 for a licence so that they could have their tavern. Hon Des Dans' argument was that the community could buy a hotel in Fremantle and transfer the licence to their tavern. He could not understand what they were complaining about because he said a liquor licence was very valuable. We can apply the same argument to this matter. Liquor licences are valuable and it is ridiculous that the Government is to grant seven of them to seven restaurants at the old Swan Brewery site. Under these circumstances, the applications should go before the Licensing Court in the same way as do applications for licences for other developments. For that reason, and the others which have already been expounded, this order should be disallowed.

**HON JOHN HALDEN** (South Metropolitan - Parliamentary Secretary) [2.42 pm]: It is unfortunate that Hon Phillip Pandal is not here today.

Hon N.F. Moore: He is out of the House on parliamentary business.

Hon JOHN HALDEN: I understand he is and I am not suggesting anything else. However, it is sometimes more entertaining when Hon Phillip Pandal is in this House.

We have already debated the town planning provisions, construction licences and the like in relation to the development at the old Swan Brewery site. We are now left to deal with subsidiary matters such as matters pertaining to the Health Act and various licensing requirements. Hon David Wordsworth is correct in suggesting that there will be seven licences, but they are seven restaurant licences only and not tavern licences. These licences should be considered in conjunction with the viability of the development.

I have said previously in this House that the financial return to Multiplex Constructions Pty Ltd is something in the order of \$385 000 per annum on its investment. If these licences are not granted the project will not be viable. It is anticipated that the project will return to the State Government more money than it will return to Multiplex. The return to the Government will be in the form of taxation, and if the site is on-leased there will be a further return to the Government. In addition, there will be a return from the leasing arrangement. However, none of that money will accrue to the Government if the project is not viable. Quite clearly the project will not be viable if the seven restaurant licences are not granted.

Hon Derrick Tomlinson: Therefore, it is only of value if it is a licensed premises?

Hon JOHN HALDEN: The member knows what I mean.

Hon Derrick Tomlinson: What you are saying is very confusing.

Hon JOHN HALDEN: Rental will accrue from the various activities on the property. If we take out the seven restaurants the return on the investment will diminish and the return from the project will be below the break even point. In my speech the other night I mentioned that the building would eventually revert to State Government ownership and become a Government asset, after having given a financial return to the Government during the period it was leased. Under these circumstances it is not unreasonable for the developer to require that these licences be provided.

I have said previously that the Heritage of Western Australia Act clearly gives the Heritage Council of Western Australia the ability to make this order and that is what it has done. This order is also subject to the provisions of the Health Act. The Health Act covers minor matters and Hon Phillip Pandal referred to the stairs that might be appropriate today versus the stairs that would fit into the period of the original construction. He said it would not be appropriate to use concrete stairs in a building of this age when the original building would have had wooden stairs. The negotiations for these matters can be quite considerable. In 1990 it took six months to obtain a licence because of the provisions of section 18 of the Act.

In considering the viability of this project it is not unreasonable for the developer to require these licences to be in place and for the items which are covered by the Health Act to be overcome. It does not mean there will not be appropriate consultation and care taken in regard to the Health Act requirements. However, it means that, given the peculiarities of this development, the Heritage Council needs to be involved. Hon Phil Pandal has always suggested that it is correct for the Heritage of Western Australia Act to provide this role for developers and owners.

We are now left to deal with the subsidiary matters involving the old Swan Brewery. I reiterate that this motion has nothing to do with a disallowance of an order; it is about political issues. No great matter of principle has been raised in this debate. We have heard about a tavern licence in Lake King which may have been essential and, at the end of the day, was quite expensive. I agree with the point made by Hon David Wordsworth, but it has no relevance to this motion. This debate really is about political considerations. Approximately 250 jobs on site have been held in abeyance for the next six to eight weeks and, overall, 1 000 jobs have been held in abeyance. This is the first building which has been placed on the heritage listing of this State. It is unfortunate that the Opposition, which claims its priority is jobs, is now saying that jobs can wait for six to eight weeks while the provisions of sections 11 and 34 of the Heritage of Western Australia Act are implemented. These sections quite clearly allow for this process, but in a delayed form.

Hon Peter Foss: I thought you were doing this for heritage reasons.

Hon JOHN HALDEN: I will come to that. It is clear that under sections 11 and 34 the Heritage Council must be consulted on these matters. The bodies responsible must take and accept the advice of the Heritage Council and act upon it. They cannot delay that process. However, it will now be delayed for six to eight weeks.

Hon Peter Foss: Sometimes people follow processes.

Hon JOHN HALDEN: The Government has followed the processes that the Parliament set down and will continue to do so. Hon Peter Foss, by way of interjection, said he thought that the Government was interested in the preservation of this heritage building. Of course it is. A significant difference exists between the opinions of members on this side and those on the other side of the House who want this building demolished or, if it is not demolished, to decay to an extent that it can no longer be preserved.

Preservation of this building is intrinsically entwined in its commercial viability, and there is nothing wrong with that. No extraordinary precedent is being established here. One can go to a whole range of heritage precincts throughout the world, whether The Jam Factory in Melbourne or -

Hon D.J. Wordsworth: You allowed the stables to be burnt down!

Hon JOHN HALDEN: We allowed that! My goodness, Mr Wordsworth has Pandal's disease! We no more allowed that to happen than did the member.

Hon D.J. Wordsworth: It was neglect on your Government's part.

Hon JOHN HALDEN: Neglect! Mr Wordsworth has decided it is all beyond him when he makes those sorts of suggestions.

Hon D.J. Wordsworth: It was full of flammable material.

Hon JOHN HALDEN: Wood does burn, I accept that. That is a real problem of life. Whether the stables were burnt down deliberately, or caught fire by an act of God, I am not in a position to know. I am sure that members opposite have that knowledge because their comments indicate during every debate that they are closer to God than I.

Hon D.J. Wordsworth: I hope so.

Hon JOHN HALDEN: Members opposite continue to tell me the same story, which I doubt more every day.

I turn to the matters raised by Hon Peter Foss who suggested the Government was about the preservation of this heritage building. That is what the Government is about, and is exactly why the orders were made which members opposite oppose. Those orders were made for heritage reasons. The Opposition is about the demolition of this building, or the ruination of the project through decay.

Hon Derrick Tomlinson: Bending the law is what you are about. You give yourselves the power to bend the law and you bend it.

Hon JOHN HALDEN: The quality of the interjections is quite poor; however, I am happy to comment on that interjection. I turn to the speech I made the other night during which I said that this legislation was on the Statute books as an Act of this Parliament having passed the due processes. That Act has been challenged about six times in the Supreme Court in the last three weeks yet no injunction has been granted.

Hon Peter Foss: There would have been.

Hon JOHN HALDEN: There would not have been. Mr Foss is again developing Pandal's disease related to the realities here.

Hon Tom Stephens: You are anti-development, Mr Foss, and against jobs.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon JOHN HALDEN: Members opposite raised these matters as red herrings and actually think people will believe them. They will not. The reality of the matter is that the Government has acted appropriately and the Supreme Court has not in any way decided to grant an injunction because the Government has not acted illegally. These matters have been tested six times in the Supreme Court.

Hon Peter Foss: They have not. That is a misrepresentation!

Hon JOHN HALDEN: It is not. Mr Foss would know about misrepresentation. The Opposition back bench has done such a great job that it does not know the facts of this matter. Members opposite have reached the hype point and believe their own jargon and political propaganda. That is a great tragedy because the consequence of their believing their own political propaganda has been the loss of 1 250 jobs for eight weeks. Do members opposite believe what was said about the people?

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: We have now reached the political propaganda stage about the old Swan Brewery which will be intertwined with PICL or something else.

Hon Peter Foss: You are still doing the same crooked things.

Hon JOHN HALDEN: It is not crooked. There is no substance to that allegation. The fact is - and we have been able to table the facts, as members opposite know - that members opposite will say anything to achieve the political end of depriving 1 250 people in this State of a job for eight weeks.

Hon Tom Stephens: That is the Liberal Party - anti-jobs!

Hon Derrick Tomlinson: You are starting to believe your own propaganda.

Several members interjected.

The DEPUTY PRESIDENT: Order! I ask Hon Peter Foss to come to order

Hon JOHN HALDEN: We have seen this Council put nearly 2 500 jobs on hold in the past few weeks because of the actions of members opposite. Today we see another contrite and contrived situation to deprive the people in this State of jobs and to try to deprive the Government of the kudos it deserves for creating these jobs. It is interesting that the member for Applecross in the other place in a backhanded but complimentary way congratulated the Minister for Heritage on his ability to get Multiplex to start to restore the old Swan Brewery. It is of great credit to the Government that it has been able to achieve that.

It is a great discredit to this Opposition that it is preventing the people of this State from sharing in the benefits that will accrue from this project. The Opposition is not doing this on philosophical grounds, because it knows, as I do, that this project will happen. It will merely not happen for six to eight weeks. The Opposition sees that as being to its advantage. What does six to eight weeks mean in dollar terms to this project? Multiplex is investing \$1 million a month on this project, so in eight weeks of delay \$2 million will be withdrawn from the State's economy. I do not believe the public will react to that in a positive way.

Hon Derrick Tomlinson: Why don't you test it by going to a referendum.

Hon JOHN HALDEN: We tested it by being the Government which is empowered to make decisions.

Hon Derrick Tomlinson: And bend the law as you will!

Hon JOHN HALDEN: The Government intends to make such decisions. Its priority is not just sprouting cheap words, which is the prerogative of the Opposition, but through its deeds to show that it is not an indecisive Government but one which, when faced with difficult decisions and insurmountable odds, gets through the red tape and provides heritage places and jobs for the community.

Several members interjected.

Hon JOHN HALDEN: Hon Reg Davies is yet again drawing another issue into this matter.

The DEPUTY PRESIDENT (Hon Doug Wenn): No, he is not! Hon John Halden should address the Chair.

Hon JOHN HALDEN: I accept your advice, Mr Deputy President. It is appropriate in that the Hepburn Heights matter has no relevance to the Swan Brewery matter either by way of interjection or by way of logic. Both developments are about the creation of jobs and facilities for the community. It is interesting that the Opposition is opposed to both of them; yet, again, its rhetoric espoused both in the Press and in this place does not support that viewpoint. In this place deeds speak louder than words, and again members opposite

contradict their own propaganda. As I have said, the matter is one that should not be confused. The issues involved with this order are a good example. Hon Phil Pental agrees that one of them would be appropriate to the Act, and I refer to the Health Act regulations and requirements and the licensing branch requirements which are intrinsic to the viability of the project. However, not by virtue of that fact is the Government predisposed to the issuing of the order; it is that that approval will grant to the heritage building long term viability; it will ensure its preservation and ensure that the community will be able to use the facility and have access that they have never had before to the foreshore of the Swan River near Perth.

When I began my comments I was surprised that Hon Phil Pental was not here. I was looking forward to noting how many times on this occasion he could denigrate people. Hon D.J. Wordsworth's comments were not appropriate on this matter but they probably reflect the arrogant attitude of the Opposition to this matter. Members opposite know that they have the numbers. As they did the other evening, they will pursue the matter and diligently divide when the occasion arises.

The issue is whether this order creates any precedent. I can think of infinite examples of how heritage buildings have been modified, preserved and used as licensed establishments to enhance the environment and to increase the number of people who are able to enjoy that environment. Here we have another example. One does not need to go too far in this country to see the number of instances where that has occurred. Probably the best example is in Sydney.

Members opposite wish to continue to pursue this blind policy that at any cost they will oppose the project, not on heritage grounds -

Hon Peter Foss: It is on heritage grounds. The building should never have been kept.

Hon JOHN HALDEN: It is not on heritage grounds, because members opposite know that their position is to knock it down, to let it decay. They know that the building has already been listed, and that it is the only one that has been. Members opposite know that if the building had been allowed to decay it would have been a political millstone for the Government. They know, as they sit opposite, that it is in their political interest to allow that to happen. If they decide to go down that path, so be it!

The order should not be opposed on the grounds that it is illegal. This matter has already been considered by the Supreme Court and found not to be illegal. It should not be opposed on financial grounds, in spite of all the mudraking by the Opposition, in spite of the whole array of accusations - not one of which has been substantiated - and in spite of the advice of Hon Phillip Pental. He has not come forward since the other night and been able to substantiate this motion. Not one accusation has he backed up with fact or with a person who will support his case. Clearly the member came to this place and decided to use that line for his own advantage. He did that, and now he believes he is not accountable and has no responsibility to substantiate his accusations. So be it! If that is the political game the member wants to play, that is his business, but the realities remain.

The disallowance of the order the other night and this one cannot be justified on any of those grounds. It all boils down to one matter; that is, the political considerations of the day. They are about an effort to stop the Government taking an old, decaying building and restoring it and showing that it has made hard decisions and has been able to achieve certain ends. The Government will show that it has also been able to provide jobs for the community and investment in this State. Members opposite stand condemned for today's debate and the debate the other night. The best they can do is talk about a tavern licence at Lake King, which is highly inappropriate and does not relate to the significance of the disallowance motion for the community. Those comments validate my remarks that this action is not about anything more than political opportunism. One could say it is political cronyism on the part of those most negatively influenced.

On the weight of facts and debate in this House, without doubt we have heard no substantial argument to suggest that the orders should be disallowed. At the end of the day, the numbers in this place will disallow this order. I refer here to the numbers in a conservative party in a House that has been gerrymandered for 100 years -

Several members interjected.

Hon JOHN HALDEN: Members know that. They will again use their numbers.

Hon Barry House: What proportion of the numbers did we receive at the last election?

Hon JOHN HALDEN: Not enough to become the Government. Members opposite know that only the gerrymander grants them the numbers, and it has done so for 100 years. Members opposite might not like to be re-acquainted with the facts, but there they are. The issue will shortly be decided, and I have learnt to count during my political life. However, it is a grave tragedy that this should be allowed to happen. I must emphasise to members opposite that I will recount for them on many occasions the 2 500 jobs of which the State will be deprived. I will make every effort to ensure that the community understands what the Opposition is about and what are its motives. It is unfortunate that the Opposition has acted in such a blatantly political way.

Hon Tom Stephens: Particularly as we are only responding positively to a suggestion by Hon Norman Moore -

The DEPUTY PRESIDENT: Order!

Hon George Cash: We don't want to bring politics into this.

Hon JOHN HALDEN: Rarely in my political life have I agreed with Hon Norman Moore. When I heard his contribution to this matter some weeks ago I was surprised to learn that we agree on something.

Hon N.F. Moore: You should make sure we agree in total. Hon Tom Stephens keeps forgetting the other part. When you do, I will think about it again.

Hon JOHN HALDEN: It does highlight what this decision will be based on. It will be politics, ideology and cronyism, not philosophy. Members opposite know what I am talking about.

Hon Peter Foss interjected.

Hon JOHN HALDEN: Members of this side can only talk about political cronyism, but members opposite are experts at it.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: I will not go to the lengths that Hon Phillip Pandal did and make up a story, spin it around, and impugn the reputation of people. When I have the facts, members opposite will know it and I will deliver them as appropriately as I can. In all sincerity the order should not be disallowed. It is unfortunate that the other order was disallowed; that has done great damage. This Opposition should be condemned for its actions in not only this matter, but also the other matter.

HON PETER FOSS (East Metropolitan) [3.13 pm]: I was not going to speak in this debate until I heard the nonsense spoken by Hon John Halden and felt that it should be contradicted.

Hon John Halden: There will be more nonsense now.

Hon PETER FOSS: Mr Halden's statement that the court decided that these orders were legal was arrant nonsense. What the court decided was that the matter would be put in the expedited list where, probably in six weeks or so from now, the matter would be decided. There has been no judgment by the court on the validity of those orders.

Hon John Halden: Rubbish! Mr Foss doesn't know what he is talking about.

Hon PETER FOSS: Hon John Halden will find that I am correct. The only regret that I have is that by disallowing these orders we will not give the court the opportunity to point out the abuse of process and of the heritage legislation that has taken place.

This Government has not changed its spots one little bit. It continues to look around for something which it can use for its own nefarious ends. It did that with the State Government Insurance Commission when it told us that it was buying properties for sound commercial reasons. Members know that the Government's property dealings are always tainted; there must be some money in there for somebody. I do not know for whom it is, but the Government must have some dodgy reasons because I cannot see any other reason why the Government would misuse the powers given to the Government under the Act. Every time the Government has given reasons to the public of Western Australia about its property

deals, it has subsequently been shown to have lied. It said, "There is no guarantee; there has never been a guarantee and there never will be a guarantee." The Government was wrong there and in exactly the same way it made those claims it is stating its reasons in this matter. We know they are not correct.

Hon John Halden: You have not raised one fact.

Hon J.M. Berinson: You have not said anything. You have engaged in your usual line of abuse.

Hon PETER FOSS: I have said that the court would have ruled, but now will never rule, because we have disallowed the other order, on whether it was a valid exercise under the Act. As one of the members who supported the passage of the Heritage of Western Australia Bill through this Parliament to give a power to the Minister and to the Heritage Council to allow proper support for heritage buildings, my principal disappointment is that the very first time that section 38 has been used it has been abused. The power was used not because the Government wished to preserve some particular heritage feature, not because it wished to carry out a heritage agreement, for instance, to the increase of plot ratio in some other place, but because the Government wanted to subvert the process. There is nothing to show that this could not have been done with normal approvals, or that the law would not allow what was planned to be done. All the Government wanted to do was to push this through as fast as possible. The Government sees the law not as governing its behaviour but as obstructing its behaviour. I am disappointed that those who genuinely support that legislation, who see it as having a useful purpose in our community, have seen it so foully abused as it has been in this case. That is a grave disappointment to and betrayal of people such as me who supported this legislation in the Parliament. I believe it discredits the legislation and will make this Parliament less willing in the future to agree to this kind of discretion and encouragement for the preservation of heritage buildings. That is my particular concern.

Once again this Government is unable to get its priorities correct.

Hon John Halden: We are about jobs, not rhetoric.

Hon N.F. Moore: This Government has created more unemployment than any other in history.

Hon PETER FOSS: Mr Pandal suggested to the Government that it should give Mr Roberts a job as one of the tenderers for Montgomery Hall. Why did the Government not spend some money on renovating the stables at the old Swan Brewery? They might have caught fire, but they were capable of being restored. The Government vandalised the stables and knocked them down.

Hon John Halden: They were burnt down; let us have some facts. The only thing you mentioned as a fact, you got wrong.

Hon PETER FOSS: They did not burn down; it was built of bricks. It was burnt and severely damaged, but it could have been restored.

The brewery building has been gutted. Hon John Halden does not realise that industrial buildings such as the brewery are built by putting the industrial part inside, and then constructing the shell around the outside. One of the reasons restoration on the brewery has cost so much is that the interior has been completely gutted, and the only way it was possible to keep the building from falling down was to build massive supports on the inside. Something must now be constructed on the inside; it is nothing but a shell.

Hon John Halden: Rubbish.

Hon PETER FOSS: I happen to know why that building was so difficult to restore, and why it was gutted.

Hon Mark Nevill: It is still worth preserving.

Hon PETER FOSS: The stables have true heritage worth, yet Bob Pearce knocked the stables down. They might have been burnt but they were capable of being restored. Who knocked down the Karrakatta crematorium? That was a true art deco building.

Hon John Halden: It was not listed and was not going to be listed.

Hon PETER FOSS: Hon John Halden does not even know what cultural significance is.

How many people in Western Australia have had an association with the Karrakatta crematorium? The Government knocked it down. The Government has no sense of propriety.

Hon Mark Nevill: Who knocked down the Barracks?

Hon PETER FOSS: That was 30 years ago. The crematorium was demolished the year before last. Things have changed in the last 30 years, although not with this Government. It knocked down the crematorium, which was one of the more significant heritage buildings. How can members opposite say that this will be a heritage building? What is being built on the brewery site? The brewery is not being restored. A huge three storey building with offices, cafes, restaurants and all those other things is being built, yet the Government is saying that it is restoring the building. The Government is engaging in some form of facadism. With the money the Government has wasted on the brewery it could have bought the Railway Hotel. The Minister for Heritage got upset when they tried to knock down the facade, but he is not upset about the destruction of a 140 year old hotel behind that facade!

Hon John Halden: He should not have got upset.

Hon PETER FOSS: The Government allowed them to knock that building down and leave the facade. If the Government had spent some of the money on buying the hotel, rather than wasting it on the brewery, we could have saved the whole building. Members opposite are hypocrites. Members on this side of the House do not believe the Government. Hon John Halden is a hypocrite and everything he said in his speech is totally wrong. I support the motion.

#### *Division*

Question put and a division taken with the following result -

#### *Ayes (13)*

Hon George Cash  
Hon Reg Davies  
Hon Max Evans  
Hon Peter Foss  
Hon Barry House

Hon P.H. Lockyer  
Hon Murray Montgomery  
Hon N.F. Moore  
Hon Muriel Patterson  
Hon R.G. Pike

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

#### *Noes (11)*

Hon J.M. Berinson  
Hon Kim Chance  
Hon Graham Edwards  
Hon John Halden

Hon Kay Hallahan  
Hon Tom Helm  
Hon Garry Kelly  
Hon Mark Nevill

Hon Tom Stephens  
Hon Bob Thomas  
Hon Fred McKenzie  
(Teller)

#### *Pairs*

Hon P.G. Pandal  
Hon W.N. Stretch  
Hon E.J. Charlton  
Hon J.N. Caldwell

Hon T.G. Butler  
Hon Cheryl Davenport  
Hon B.L. Jones  
Hon Sam Piantadosi

Question thus passed.

#### **MOTION - STANDING ORDER No 230 AMENDMENT**

**HON R.G. PIKE** (North Metropolitan) [3.22 pm]: I move -

That SO 230 is amended by inserting the following paragraph -

- (c) Resumption of debate under paragraph (a), or the day fixed under paragraph (b), for a Bill that -
  - (i) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or
  - (ii) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth,



shall be a date that is not less than 120 days from the day on which the Bill was read a first time, but in calculating that period, no account shall be had of any prorogation that intervenes where the Bill is restored in the succeeding session.

The Australian Securities Commission legislation which was obscenely rammed through this House by the Attorney General -

Hon J.M. Berinson: With your party's support. In fact, your party was anxious to have it rammed through; don't hide from that.

Hon R.G. PIKE: I do not resile from that. Members may recall that this House had resolved by majority vote to indicate that it would not, under any circumstances, support the transfer of the corporate affairs powers to the Commonwealth.

Hon J.M. Berinson: Who was anxious to have the opportunity to reverse that position? Your party.

Hon R.G. PIKE: I have always been very fair in giving the Attorney General part credit for his part intestinal fortitude. That is to say, for a period, as the Attorney General of Western Australia, he was quite strong in properly defending the rights of the State. He put up what I thought was a commendable fight. The centralised pressure imposed on him by the Commonwealth Labor Government, the Victorian Labor Government and, as I recollect, the Liberal Government of New South Wales was such that in the end he capitulated. I was equally distressed by the attitude of the New South Wales Liberal Government in supporting such a proposition. Notwithstanding his previous comments, even the Attorney General must at least give me an accolade for being factual about both parties.

The nub of the issue is that ultimately that very significant Western Australian authority was transmitted to the Commonwealth. If such an attitude should persist with either a Liberal or Labor Commonwealth Government, certainly by the year 2010 the adversarial relationship in this House would cease to exist because State powers will be gutted and transferred to a centralised Commonwealth Government. I am in accord with the recent statement by former High Court Judge Sir Samuel Gibbs to the Samuel Griffith's Society that, in summary, the Commonwealth ought never to exercise any power that can be properly and competently handled by the States.

Both the Liberal and Labor Parties were culpable in their headstrong endeavours to transfer those powers and gut the State. I make a point seldom made: It is recognised on the world stage that other than the French Public Service, which has a reputation for being extremely competent and which is fiercely centralised, one of the most pervasive, influential and insidious Public Services in the destruction of federalism and the concentration of power in a central Government has been the Australian Commonwealth Public Service, whether that be under a Liberal or Labor Government.

Hon J.M. Berinson: That is a fair balance to strike. On your earlier comment, I am surprised to hear that other countries are paying any attention to what is happening to the shift in the Federal-State balance. To whom are you particularly referring?

Hon R.G. PIKE: The Attorney General has a reasonable point. I recently read an article on the real power and authority of Governments and bureaucracies. The Attorney General will well know that when one reaches a position of authority in a Government that, unless one is very much astride of all the issues and spends many hours informing oneself, very tough, authoritative decisions come and go with one relying on, it is hoped, the impartial advice of the Public Service to make decisions. Historically, in many instances all the options have not been provided. Jack Lang, the Premier of New South Wales during the Depression, when he repudiated the State's debts, was eventually dismissed by the then Governor, Sir Phillip Game. Undoubtedly, in a proper, historical context in relation to what the British Government had tried to impose on that State, that was a correct action. While that Government was endeavouring to remove its obligations of debts other than to Australia, it was imposing on the Commonwealth of Australia a toughness and directness which, by comparison, was very unfair.

I refer now to the financial institutions legislation. Bearing in mind that the Australian Securities Commission legislation was literally imposed by the Commonwealth on the States, my direct criticism of the Attorney General is that in the end, notwithstanding the attitudes of

the political parties in this House, the Attorney General gave, from memory, no more than four or five days -

Hon J.M. Berinson: That is all I had myself.

Hon R.G. PIKE: I am aware of the difficulty in which the Attorney General found himself. I am sure his regret of that situation will be expressed by his supporting this motion. If that is the position he found himself in -

Hon J.M. Berinson: This motion does not address that problem.

Hon R.G. PIKE: We will come to that in a moment.

Hon Mark Nevill: You supported that Bill. Your three colleagues next to you did not.

Hon R.G. PIKE: The history of the Labor Party is replete with examples of Labor Party sycophants consistently voting against their party.

Debate adjourned, pursuant to Standing Order No 195.

## EQUAL OPPORTUNITY AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

### *Second Reading*

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.31 pm]: I move -

That the Bill be now read a second time.

In November 1991 the Government introduced a Bill the principal purpose of which was to make unlawful discrimination on the ground of age. Subsequently a further Bill dealing with sexual harassment was introduced. The Premier then announced the Government's intention to include family responsibility or status in the Equal Opportunity Act. As a result, the two Bills already before Parliament were withdrawn and consolidated into one Bill along with the family responsibility amendments.

The principal purpose of this Bill, then, is to amend the Equal Opportunity Act to include further grounds of discrimination. A secondary purpose of the Bill is to include general amendments which will greatly increase the efficiency of the principal Act. These consist of -

the inclusion of racial harassment in the areas of employment, education and accommodation;

the expansion of race and sex discrimination to incorporate disposal of land in order to maintain consistency with Commonwealth legislation in this arena;

the expansion, in line with the Commonwealth Racial Discrimination Act, of the definition of discrimination to include "relative" and "associate" for the grounds of race, impairment and parts of age;

the expansion of the definition of impairment to include an impairment which is imputed to the person;

the expansion of the provisions dealing with sexual harassment in the area of employment.

I shall detail the general amendments which seek to improve the efficiency of the Act before proceeding to the amendments dealing with age and family responsibilities.

Briefly, division 3A of the Bill proposes that the principal Act be amended to include discrimination involving racial harassment in the areas of employment, education and accommodation. The provisions of this clause meet a perceived need to clarify unlawful racial discrimination and to provide that it is unlawful to insult, taunt or abuse a person by reference to that person's race or the race of a relative or associate of that person. The amendment relating to "relative" and "associate" mirror a provision in the Commonwealth Racial Discrimination Act and makes the State Act consistent with the Commonwealth Act.

A significant amendment is in clause 9 of the Bill which amends section 24 of the principal

Act to expand the provisions dealing with sexual harassment in employment. Sexual harassment remains one of the most insidious forms of discrimination and the Government proposes these amendments to the Equal Opportunity Act 1984 to extend the protection offered by the provisions relating to sexual harassment in the workplace.

The primary objective of this amendment is to ensure that, where persons are sexually harassed in the course of their employment or in relation to proposed employment, by a person who is in a position to influence and disadvantage them in their employment, then such persons will be protected by the Act. Within the context of the principal Act, sexual harassment is any unwelcome and unsolicited conduct of a sexual nature. It is uninvited and it is imposed. The Act provides that sexual harassment is unlawful when it disadvantages the person in the course or pursuit of employment.

At present, section 24(1) of the principal Act provides only that it is unlawful for a person who is either the employer or potential employer or is a fellow employee or a potential employee to sexually harass another person in relation to employment. This requirement restricts the effective operation of the Equal Opportunity Act, as it does not offer protection to persons who work together, but who do not share a common employer. This is a relatively common situation in the public sector. For example, teachers are employed by the Minister for Education under the Education Act, whereas non-teaching staff are deemed to be employed by the Chief Executive Officer of the Ministry of Education. At present these employees may not be covered by the Equal Opportunity Act in relation to sexual harassment. It is therefore proposed to amend section 24(1) of the principal Act to enable persons who are sexually harassed to make a complaint to the Commissioner for Equal Opportunity even though the alleged harasser is neither the employer nor a fellow employee. The proposed amendments make unnecessary the requirement of a common employer or indeed an employer.

It is not proposed to amend the definition of sexual harassment in section 24(3) of the principal Act. Hence, persons making a complaint alleging sexual harassment to the Commissioner for Equal Opportunity will continue to have to demonstrate that rejection of sexual conduct or objection to sexual conduct may or has resulted in their being disadvantaged in connection with employment.

Lastly, in view of the community's concern about allegations of sexual harassment in Parliament House, which may not be currently covered by the Equal Opportunity Act, it is proposed that the amendments to section 24(1) should operate retrospectively to the commencement of the principal Act in relation to complaints of sexual harassment against members of Parliament. This means that persons who claim to have been the subject of sexual harassment by a member of Parliament three years ago or five years ago will be able to make a complaint to the Commissioner for Equal Opportunity.

The provisions outlined so far are designed to improve the efficiency of the principal Act.

I now draw attention to the amendments relating to discrimination on the ground of age. This Bill makes the arbitrary use of age as a criterion to assess ability and capacity unlawful. Such discrimination occurs when assumptions about productivity, maturity and health are interwoven with age. Some examples of people discrimination on the basis of age are -

- (i) a man in his 20s refused a job driving a petrochemical truck on the basis that he was too young;
- (ii) landlords who do not rent to a young person or group of young persons because they believe the stereotype which portrays all young people as irresponsible with a tendency to throw wild and noisy parties;
- (iii) a woman in her 40s refused a managerial position;
- (iv) a man of 50 considered to be too old to learn.

Such discrimination is based on stereotype images of people on either end of the spectrum - "too young" to be responsible, and "too old" to be productive and capable. The use of stereotypes when dealing with groups of people denies them the opportunity to participate as they choose in society. However, when such presumptions are appraised on an individual basis, restrictions and discrimination on the ground of age appear somewhat capricious. It attests to the pervasiveness of stereotype images, which underscore discriminatory

behaviour. Accordingly, legislation in making unlawful discrimination on the ground of age can serve to alter or modify the perceptions held of the young and the old.

There is no doubt that there is increasing support within the community for legislation to make unlawful discrimination on the ground of age. Certainly there are precedents in Australia. In January 1990 the Human Rights and Equal Opportunity Commission was empowered to investigate complaints of age discrimination in the area of employment.

In 1990 the South Australian Equal Opportunity Act was amended to include age as a ground of discrimination. In January 1991 mandatory retirement became unlawful in the public sector in New South Wales and unlawful in local government in 1992. Those provisions will extend to the private sector in 1993, and I am informed that the Fahey Government is considering expanding age discrimination to cover other areas. The Queensland Government has enacted the Anti Discrimination Act 1992 which includes age as a ground of discrimination. Finally, I understand the Australian Capital Territory is considering amending its Discrimination Act 1992 to include age as a ground of discrimination.

In Western Australia, the Commissioner for Equal Opportunity was asked to prepare a discussion paper on how the Equal Opportunity Act 1984 could be amended to include the ground of age. Subsequently, in July 1989 the commissioner released and distributed for public comment a paper on age discrimination outlining proposals for such amendments. Public response to the discussion paper was favourable. A total of 71 submissions was received and a broad range of interests was represented, including those of Government departments and agencies, private sector, unions, community groups and individuals. Most of the submissions endorsed the principle of prohibiting age discrimination. Of all submissions received, 66 per cent specifically endorsed the majority of the discussion paper's recommendations. Only six per cent of the submissions specifically opposed any amendment to the Act. In view of the submissions received, some of the recommendations were modified, and I shall detail these changes shortly.

Before proceeding to an explanation of the Bill, I draw attention to the statistical information that is available on age discrimination. In Western Australia, during the financial period 1991-92, the Equal Opportunity Commission received a total of 341 inquiries on the ground of age. During the same reporting period, the Anti-Discrimination Board in New South Wales received 630 inquiries and 24 complaints. The figures for South Australia are similarly high. During 1991-92, the commission received 2 735 inquiries relating to age discrimination. This constitutes 22 per cent of all inquiries received by the commission. During the same period the commission received 104 written complaints. These statistics indicate that discrimination on the ground of age is a matter of concern to the wider community. The proposed amendments seek to redress such inequities.

This Bill proposes to make age discrimination, both direct and indirect, unlawful in the same areas of public life as for other grounds of discrimination under the Act. The areas covered by the Act are employment, education, accommodation, goods, services and facilities, access to places and vehicles, membership of clubs and incorporated associations, sport, advertising, provision of insurance and superannuation, and application forms. The Bill reflects the provisions governing other grounds of discrimination covered by the principal Act.

Consultations in Western Australia and the experience of the other States with similar legislation have shown that a major issue of concern with regard to age discrimination relates to the area of employment and I now refer to these provisions of the Bill. In relation to employment, the Bill does not include an exception which relates to the ability of the person to carry out work required to be performed in the course of the employment. Although such an exception was originally proposed in the discussion paper, it was deleted when submissions received cogently argued that the recommendations reinforced perceptions about the physical capacity of the ageing and the aged. The alternative exception provided in the Bill enables conditions to be imposed which comply with reasonable health and safety requirements. These amendments to the Act are predicated on the principle of "ability to do the job".

Section 66ZQ provides an exception where age is considered to be a genuine occupational qualification. This section provides that work involving dramatic performance, artists or photographic models where a person of a particular age is required for the purpose of authenticity, and where a person of a particular age most effectively provides a service to persons of a particular age are exempt.

The Bill contains a specific provision which deals with compulsory retirement. However, section 66ZN(b) provides for an exemption period for this of two years. The decision to exempt compulsory retirement for a period of two years was based on the substantial amount of concern expressed, from both Government agencies and the private sector, as to the difficulties in relation to such matters as workers' compensation, superannuation and personnel planning should compulsory retirement be abolished immediately. Concerns that have been raised by peak employer bodies on the issue of compulsory retirement are appreciated. However, the Government does not accept the argument that, without compulsory retirement, companies would be forced to retain employees whose performance is inadequate. Prohibiting mandatory retirement will inevitably lead to changes in human resource practices. In time, such modifications will result in better management of human resources, and employees who do not "serve time" while awaiting retirement age.

Section 66ZL deals with superannuation schemes and provident funds. The exemptions were extended in order to meet the concerns of The Association of Superannuation Funds of Australia Limited. A restricted exemption allows discrimination which is based on actuarial or statistical data, or any other reasonable ground.

Further, section 66ZN proposes that a permanent exemption cover the appointment and retirement of judges, magistrates and justices of the peace. The exemption ensures that the absolute independence of the judiciary is guaranteed.

Section 66ZS proposes to exempt acts which are done in compliance with industrial agreements which relate to provisions in awards and industrial agreements relating to the payment of youth wages, maintenance of ratios of junior employees and adult employees for a period of two years. Section 66ZS proposes that the Commissioner for Equal Opportunity review all written laws and regulations which contain age related provisions.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon J.M. BERINSON: The commissioner will examine the need for amendments to remove inappropriate references to age and will determine the development of consistency in areas where age remains a ground for legislative action. The commissioner will furnish a report of the findings to the Minister within two years of the enactment of the amendments. The Commissioner for Equal Opportunity has recommended that a detailed examination of these complex issues be undertaken by a tripartite working party subsequent to the passage of the Bill in Parliament. In this context, I emphasise that the Government accepts that in some areas age limits will be required. Limits will be required, for example, to protect minors. Such legislation reflects societal expectations for the protection of persons of certain age groups. For example, it is not intended that the tripartite working party consider removing age provisions that presently make it unlawful for minors to purchase liquor.

The Bill outlines a number of exceptions. Although this may make the operation of the legislation somewhat unwieldy, it nevertheless mitigates against absurdities that may otherwise arise. Specific exceptions are proposed where the continuation of age discrimination is both practical and reasonable. The provision of bona fide benefits, including concessions to a person on the ground of age, is not unlawful in areas such as accommodation, and access to places and vehicles. In relation to discrimination on the ground of age in respect of membership of clubs, an exception has been made for junior and senior membership categories. Section 66ZI(3) reflects the concerns expressed in submissions that clubs and incorporated associations continue to provide activities on the basis of age which benefit persons of particular ages. Similarly, clubs of which the principal object is the provision of benefits for persons of a particular age are exempt.

Although discrimination in the area of sport is unlawful, a specific exception is provided for competitive sport in section 77ZJ(3), which is limited to competitive sport between persons of a particular age. Section 66ZG(3) delineates the scope of the exception as it relates to accommodation, whereby discrimination on the basis of age is not unlawful in private households, when accommodation is provided by a religious body, or when accommodation is provided by a charitable or voluntary body solely for persons of a particular age.

The Bill outlines one additional area. Discrimination on the ground of age in the area of "disposal of land" will be unlawful. At present, this area is not covered by any other ground

of discrimination, although it is proposed that the grounds of sex and race be extended to include this additional area. An exception relating to the disposal of land is provided in section 66ZH(2) which allows the disposal of an estate or interest in land which is part or intended to be for the purpose of "retirement villages".

To a large degree, the exceptions outlined in the Bill are informed by commonsense. It is not the intent of this Bill to disadvantage persons of a particular age by making unlawful the provision of services which specifically benefit such a group. These exceptions reflect societal norms and expectations and have, I believe, the support of the general community. Similarly, the amendments dealing with discrimination on the basis of family responsibilities or status reflect community views. Changing work and family structures mean that increasingly more people have to balance the dual responsibilities of home and work. Of parents in the work force, 17 per cent of men and 13 per cent of women have children under four. Overall, 59 per cent of employed married women have dependant children and 62 per cent of employed men have dependant children. Forty six per cent of mothers in single parent families are employed and 122 000 persons in the labour force are the main carers for a severely handicapped person in their own home.

Another significant demographic trend in Western Australia is the ageing of the population. In 1983, 8.7 per cent of the Western Australian population was aged 65 years or older. By 1991, the proportion reached approximately 9.8 per cent, and is expected to rise from 10.5 per cent in 2001 to 14.6 per cent in 2021. A growing trend against institutionalisation coupled with a rapidly growing population of aged persons has placed and will continue to place increased reliance on support services and community based services to the home. In the absence of adequate community services, the burden to provide care tends to fall upon family members such as a child or younger relative. Studies of the dependant and frail show that 80-90 per cent of their care is provided by family members. Thus, social and demographic trends indicate that the family responsibilities of workers are increasing. The impact of family responsibilities on work performance has been the subject of various studies in Australia and overseas. These show that, although work pressures may seriously damage family functioning, family concerns and responsibilities can seriously damage job morale, productivity and profits. Studies have shown a correlation between productivity, absenteeism, job morale and family responsibilities such as care for young children and elderly parents. It is not surprising, therefore, that a number of organisations have begun to implement "family friendly" initiatives. These companies include the Shell Company of Australia Ltd, ICI Australia Operations Pty Ltd and Sigma Pharmaceuticals Pty Ltd in Western Australia.

In the light of these circumstances, the Commissioner for Equal Opportunity was requested to prepare a discussion paper which made recommendations regarding workers with family responsibilities and on the Equal Opportunity Act 1984. In this context, I also draw the attention of members to Australia's ratification of International Labour Organisation Convention 156 - concerning equal opportunity and equal treatment for men and women workers: workers with family responsibilities. Ratification creates a binding obligation under international law to develop and implement measures that meet the needs of workers with family responsibilities. Australia ratified ILO Convention 156 in March 1990. Western Australia was the first State to support the ratification by the Commonwealth and is now the first to consider embodying in legislation the principles that the convention espouses. Similar amendments to the Commonwealth Sex Discrimination Act were announced by the Prime Minister in September 1992.

In relation to the proposed inclusion of this ground, market research undertaken by the Equal Opportunity Commission showed that 33 per cent of people in the community believed that family responsibility was already covered by equal opportunity laws. A further 73 per cent thought family responsibility should be covered by these laws. Similar research was conducted to ascertain the attitudes of employers in November 1990. This survey indicated that 53 per cent of employers believed that family responsibility was already included in equal opportunity law covering employment, and 62 per cent of employers thought it should be included. During the past two years the commissioner has received an increasing number of inquiries relating to workers with family responsibilities. During the past two financial years the commission has handled 214 inquiries relating to family responsibilities or status.

The discussion paper was launched in March 1991, and a total of 48 submissions were

received in response to the discussion paper. A broad range of interests was represented including those of Government departments and agencies, the private sector, unions, community groups and individuals. Analysis of submissions received shows an overwhelming approval rate of 81.25 per cent for the majority of the paper's recommendations. Before outlining these provisions, I emphasise that in large measure these amendments reflect community expectations and concerns. It is proposed that discrimination on the basis of family responsibilities or status be unlawful only in the areas of employment and education. Again, general exceptions are proposed in order to ensure that individuals are not disadvantaged by the proposed amendments.

Clause 6 provides a definition of family responsibility or status. A broad definition of what constitutes family responsibilities or status was deliberately chosen to ensure that the definition encompassed the various family formations typical of a culturally diverse society. The proposed definition is not limited to having responsibility for only dependant children and covers having care and responsibility for an ageing relative who is not financially dependent. The provisions covering direct and indirect division are consistent with the principal Act, and are provided in Division 1 of Part IIA of the Bill.

Division 2 makes it unlawful to discriminate on the basis of family responsibilities or status. The employment provisions of Division 2 are consistent with the employment provisions of the other grounds of the Act. In order to ensure that persons in receipt of particular rights, benefits or privileges as a result of a specific family responsibility are not disadvantaged, section 35B(4) provides an exception. This exception is intended to preserve benefits, rights or privileges which presently exist and are provided to employees with particular family responsibilities so that employers are not discouraged from providing such benefits by the possibility of other employees with different family responsibilities making a complaint under this section.

Division 3 sets out discrimination on the ground of family responsibilities or status in other areas. Again, section 35I(3) provides an exception where a person is given bona fide benefits by reason of his or her family responsibility. Division 4 provides for general exceptions to unlawful discrimination on the ground of family responsibilities or status. These exceptions are similar to those provided in relation to discrimination on the basis of age in that they are governed by commonsense. Therefore, section 35K provides that it is not unlawful to discriminate in relation to measures intended to meet the special needs of persons with a particular family responsibility.

Section 35L provides that it is not unlawful for an employer who provides accommodation to employees to provide different standards of accommodation to different employees. This allows employers to use criteria such as the number of persons in the household of the employee to determine the standard of accommodation. The proposed exception acknowledges that the provision of accommodation of the same standard to all employees may place an undue burden upon employers.

With regard to the employment of a relative of an employee, section 35M provides that it is not unlawful for an employer to discriminate against a person where the person is either a relative of an existing employee or the relative of an employee of another employer, where the employer can demonstrate that there is a likelihood of collusion between a person and that person's relative which would result in damage to the employer's business. Again, the Bill provides an exception for acts done pursuant to the written laws of the State. Section 35N(2) provides that the exception will cease after a period of two years, while subsection (3) provides that regulations may be made to except both general and specified written laws. It is not the intent of these amendments to stipulate how employers should meet the family responsibilities of workers. Rather, the approach being adopted is one of shared responsibility between the Government, employers, employees and unions to provide supportive measures to enable workers to carry out their dual responsibilities more effectively and productively. It has become increasingly difficult to sustain the myth of the separate worlds of work and family life where the responsibilities and activities of one are assumed not to interfere with the responsibilities of the other. Certainly there is a growing expectation that the dual responsibilities of workers will be recognised. The proposed amendments to the Equal Opportunity Act reflect community standards and expectations.

In conclusion, difficulties exist in ascertaining what the law should and should not permit,

and in designing laws to put this into effect. Nonetheless, legislatures in societies that are similar to ours have been able to deal with issues of discrimination successfully. Discrimination means denying people the right to equal opportunity. It includes limiting their ability to contribute to and participate in the wider community. Certainly there are complex economic, social and legal issues in drawing up laws to deal with discrimination on the grounds of age and family responsibilities or status. The Government believes also that the debate about human rights has grown more complex, as we weigh the rights of one group with the rights of another group. Notwithstanding this, as community expectations alter and include a growing recognition of human rights, it is appropriate that the Equal Opportunity Act be amended to include new grounds of discrimination.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

## **CRIMINAL LAW AMENDMENT BILL (No 2)**

### *Third Reading*

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

## **LEGAL PRACTITIONERS AMENDMENT (DISCIPLINARY AND MISCELLANEOUS PROVISIONS) BILL**

### *Report*

Report of Committee adopted.

## **MOTION - STANDING ORDERS SUSPENSION**

*Iron Ore (Wittenoom) Agreement Amendment Bill; Iron Ore (Hamersley Range) Agreement Amendment Bill - Proceeding Through all Stages*

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [4.52 pm]: I move without notice -

That so much of Standing Orders be suspended as would permit the Iron Ore (Wittenoom) Agreement Amendment Bill and the Iron Ore (Hamersley Range) Agreement Amendment Bill to pass through all stages at this day's sitting.

Consultation has taken place between the Government and the Opposition on the desirability of enacting the two Bills before the rather lengthy recess into which Parliament will go after today's sitting. I understand that by agreement of the Government and all parties in the Legislative Assembly, priority was given to the Bills' being dealt with today and passing through all stages.

Hon D.J. Wordsworth: How much did you do in that direction? You make agreements and tell people they should put it through.

Hon J.M. BERINSON: There was consultation between Mr Moore and me.

Hon N.F. Moore: At my instigation.

Hon J.M. BERINSON: I readily acknowledge that, but I did not want to do the member in, in case there was a problem. In any event, I think it is agreed on all sides that it is desirable to process these two Bills through all stages, and I have moved the motion on that basis.

**HON N.F. MOORE** (Mining and Pastoral) [4.54 pm]: I am prepared to go along with the motion but with some protest. The Iron Ore (Wittenoom) Agreement Amendment Bill and the Iron Ore (Hamersley Range) Agreement Amendment Bill have been on the Legislative Assembly Notice Paper since the last day of Parliament in May when they were first introduced. I was prepared at that time, prior to the last break, to debate the Bills in this House. Yesterday I received a telephone call from Hamersley Iron asking if I would assist in expediting the passage of the legislation before the three week break. I was advised that their passage through the Parliament was necessary for reasons related to the Marandoo project. I am prepared to assist in having the legislation passed to assist that project. However, I cannot think of any reason that the Government should leave this matter to this time, and then give us one hour before a three week break to pass this legislation. I am happy to agree



to suspend Standing Orders on this occasion but I cannot think of one good reason that I should - other than the need to assist Hamersley Iron. The Government has had many months to deal with this matter, yet it leaves it literally to the last hour before the House is to rise. It is not good enough. It happens too often with this sort of legislation. I hope that the Leader of the House will mention to the Minister for State Development that we are becoming sick to death of having ratification of agreements and amendments arriving at the last moment of a session.

**HON PETER FOSS** (East Metropolitan) [4.56 pm]: I agree with Hon Norman Moore. It is annoying and upsetting that we are asked to suspend Standing Orders particularly in the circumstances outlined by Hon Norman Moore where the legislation has sat around on the Notice Paper at the other end of the Parliament. It is not good enough -

Hon J.M. Berinson: Do you have any idea of the reason it has sat on the Notice Paper?

Hon PETER FOSS: No.

Hon J.M. Berinson: I will enlighten you!

Hon PETER FOSS: We keep experiencing this problem because the Government does not seem to be able to arrange its timetable appropriately. It happened with the financial institutions legislation, as recently mentioned by Hon Bob Pike, when the Government pointed a gun at its own head and said that if we moved a step closer it would blow its brains out. That is the sort of self-imposed threat it puts on itself. It is disgraceful that the Government cannot order its business appropriately in a way that gives Parliament proper time to consider these matters.

**HON MARK NEVILL** (Mining and Pastoral - Parliamentary Secretary) [4.58 pm]: My recollection of the Iron Ore (Wittenoom) Agreement Amendment Bill and the Iron Ore (Hamersley Range) Agreement Amendment Bill is that they were introduced on 3 June in the Assembly during the last week of the last session. No time was available to debate them because it was very late in the session. The Assembly rose on 4 June.

Hon George Cash: It is a disgraceful exhibition. Doesn't the Government understand what time management is all about.

Hon MARK NEVILL: Did the Leader of the Opposition want them rushed through in one day in the other place? He should make up his mind! During this session the Opposition in the other place has spent the last week amusing itself with the Notre Dame matter. Had the Opposition left that matter behind and moved on to the business of that House maybe we would have received this legislation a week ago. The Bills have been delayed as a result of the actions of the Opposition in the other place; it is not the Government's fault. This has come about as a result of the Opposition's delaying tactics in the other House.

Several members interjected.

The PRESIDENT: Order! The member should not get into an argument with other members. He should confine himself to the reasons for the suspension of Standing Orders. I remind the member that this motion needs the support of an absolute majority.

Hon MARK NEVILL: Mr President, I am sure that you understand but do not excuse the reason that I am incensed. This is an important piece of legislation and the Government certainly would have liked to introduce it into this place earlier so we would not have to suspend Standing Orders. I support the motion of the Leader of the House. The fatuous comments of Opposition members should be ignored.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [5.01 pm]: I support the motion before the House. I rise to my feet to correct some of the false statements that Hon Mark Nevill has made. The facts are that when the Iron Ore (Wittenoom) Agreement Amendment Bill and the Iron Ore (Hamersley Range) Agreement Amendment Bill were introduced into the Legislative Assembly Hamersley Iron Pty Ltd approached the Opposition and asked whether the Bills could be expedited and dealt with in a matter of two days. It might come as some news to Hon Mark Nevill that the Opposition agreed to expedite these Bills. For reasons of its own the Government did not want these Bills to proceed.

Hon J.M. Berinson: What absolute rubbish!

Hon N.F. Moore: Your backbench was the problem.

Hon GEORGE CASH: It is only now that the Government has been able to pacify some members of its own ranks and it has been able to proceed with the Bills. We can argue the point for ever and ever, but the Opposition is keen to see these Bills processed because it happens to mean jobs! jobs! jobs! for people in Western Australia, and that is what the Opposition stands for.

HON J.N. CALDWELL (Agricultural) [5.02 pm]: Hon Murray Montgomery and I were somewhat bewildered when the Leader of the House said that members on this side of the Chamber had agreed to pass the Iron Ore (Wittenoom) Agreement Amendment Bill and the Iron Ore (Hamersley Range) Agreement Amendment Bill in one sitting. The first time I saw those Bills was when they were placed on my desk just now.

Hon George Cash: It is shameful, disgraceful!

Hon J.N. CALDWELL: I do not know whether the Leader of the House alerted the National Party in the other place that these Bills were coming into this House or whether Hon Reg Davies was made aware of this.

Hon Reg Davies: They do not need my vote.

Hon George Cash: It is a gross discourtesy again.

Hon J.N. CALDWELL: There has been a breakdown of communications. I am grateful that Hon Norman Moore alerted Hon Murray Montgomery and me that these Bills were going through in one sitting. I said that I knew nothing about them and asked Hon Norman Moore to speak on behalf of the National Party. There has been a communications breakdown.

Hon N.F. Moore: It is a disgrace.

Question put.

The PRESIDENT: In order that the motion may be carried, it is necessary that there be an absolute majority. There having been a dissentient voice, I shall divide the House.

Bells rung and House divided.

The PRESIDENT: I have assured myself there is only one member on one side of the Chair so I declare the motion carried with an absolute majority.

## IRON ORE (HAMERSLEY RANGE) AGREEMENT AMENDMENT BILL

### *Receipt and First Reading*

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

### *Second Reading*

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [5.05 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement amendment dated 25 May 1992 between the State and Hamersley Iron Pty Ltd. The Iron Ore (Hamersley Range) Agreement Amendment Bill before the House contains provisions which will, firstly, transfer the Wittenoom mining areas, including Marandoo, as defined in the agreement amendment from the Iron Ore (Wittenoom) Agreement Act 1972 into the Hamersley Range agreement; and secondly, enable the Minister for State Development to approve, from time to time, additional areas to be incorporated into the principal agreement mineral lease 4SA.

Transfer of Wittenoom mining areas: Both the Government and the company have recognised that the current provisions contained in the Iron Ore (Wittenoom) Agreement Act 1972 are not suitable for the development of Marandoo, as many of the provisions are either outdated or inappropriate. Furthermore, the Iron Ore (Wittenoom) Agreement Act 1972 does not reflect the current commercial arrangement that exists between Hamersley Iron and Hancock Prospecting Limited, whereby Hamersley Iron purchased Hancock Prospecting Limited's 50 per cent share in the Iron Ore (Wittenoom) Agreement Act, including all rights

and obligations, in early 1991. As part of that purchase, Hamersley Iron subleased to Hancock Prospecting Limited rights of occupancy for certain temporary reserves. This meant that the Iron Ore (Wittenoom) Agreement Act 1972 contained two separate potential developers. Such circumstances make development of both projects under the provisions of that agreement administratively difficult. The most effective solution for facilitating development of Marandoo and any other future mining developments proposed in the Wittenoom mining areas by Hamersley Iron was seen to be to transfer those mining areas and their incumbent obligations - including further processing - into the Hamersley Range agreement. The Hancock areas would remain under the Wittenoom agreement, with that agreement being altered only so far as was required to achieve the removal of the Hamersley Iron areas. In exchange for incorporating the Wittenoom mining areas under the Hamersley Range agreement, the company agreed to accept modern agreement provisions for those areas, consistent with provisions already contained in the Hamersley Range agreement for the Brockman detritals project.

The Wittenoom mining areas to be incorporated into the Hamersley Range agreement, comprise nine temporary reserves, including the Marandoo deposit.

I seek leave to table the plan marked "E" referred to in the agreement which will serve to show to the House the location of these areas.

Leave granted. [See paper No 425.]

Hon TOM STEPHENS: All but two of the Wittenoom mining areas are located within the Karijini National Park, previously known as the Hamersley Range National Park. A provision of the Iron Ore (Wittenoom) Agreement Act 1972, for preservation and protection of the national park, has been repeated in the Hamersley Range agreement to ensure that these obligations continue to apply to all of the Wittenoom mining areas.

In November 1990 the Government released the resolution of conflict paper, which set out a clear policy for national parks. That policy provided for special arrangements to apply to the Hamersley Range, Rudall River and D'Entrecasteaux National Parks. The existence of the tenements for iron ore was acknowledged for the Hamersley Range National Park. There was to be a review of the tenements with the aim of excising rationalised tenements and associated infrastructure corridors from the park. This review would include exploration activity in the park. There would be an expansion of the park to compensate for the excisions.

Nothing in the amendment agreement changes this position. Both Hamersley Iron and Hancock Prospecting are aware of the State policy in this regard. Great care has been taken in the drafting of the words, so that no possible implication can be made that the changes affect the clear policy position announced in the resolution of conflict paper.

The Government, through the Ministerial Council that was set up as part of the policy, has been working with all of the holders of iron ore tenements within and adjacent to the park to develop a program for achieving excisions and additions to the park. That council is close to concluding its work and should be able to announce a complete strategy and program in the near future. That strategy is not affected by the proposed amendments to the Hamersley Range agreement.

Already there have been changes to the park boundary: The Marandoo area has been excised; an area for the Marandoo construction camp has been temporarily excised in return for the inclusion of an area from the Marandoo area which includes Bunjima Pool; the State infrastructure corridor across the park has been excised; the park boundary has been rationalised in the north west to match the Roy Hill-Wittenoom Road; adjustments have been made to the boundary on the east, where Juna Downs Station intruded into the park; and steps are being taken to include the part of Juna Downs Station known as O'Brien's Block into the south of the park.

These changes demonstrate the Government's commitment to implementing the policy for the Karijini National Park. The clear aim is to expand the park, have exploration and mining banned within the expanded park, and ensure that there is a complete separation of mining and nature areas, with greater security for both than existed before the policy.

The agreement imposes a deadline whereby the rights of occupancy for the Wittenoom temporary reserves will expire on 31 December 1999. Prior to this expiry date, the

agreement provides for the grant of a mining lease relating to these areas. This grant may be undertaken in two stages: The first stage will follow the approval of development proposals for Marandoo, which are to be submitted to the Minister by 28 February 1993. An application for the second incorporation of areas into the mining lease can be made up to the expiry date of the rights of occupancy for the Wittenoom temporary reserves.

The two stage process for the grant of a mining lease will give the company time to conduct exploration programs on the Wittenoom mining areas, other than the Marandoo deposit, in a time frame which will allow for the outworking of the strategy from the Ministerial Council. The total area of the mining lease will be restricted to 65 square miles, which is equivalent to the area available to Hamersley Iron under the terms of its arrangements with Hancock Prospecting Ltd.

The mining lease will be issued subject to modern provisions of the Mining Act 1978, and not the Mining Act 1904. Hamersley Resources Limited, previously known as Australian Mining and Smelting Limited, presently holds 50 per cent ownership of the rights of occupancy over the Wittenoom mining areas in conjunction with Hamersley Iron Pty Ltd, which holds the remaining 50 per cent interest; both are fully-owned subsidiaries of CRA Limited.

Under the terms of the agreement, Hamersley Resources is required to surrender its rights of occupancy in favour of all such rights being vested in Hamersley Iron Pty Ltd. This surrender of rights is necessary to reflect that Hamersley Iron is the sole private participant in the Hamersley Range agreement. The transfer of areas may have attracted stamp duty as a result of the surrender by Hamersley Resources. However, this arrangement is not a corporate restructure and does not provide the company with any apparent financial benefit. It is rather an agreed transfer of assets to facilitate development. The charging of stamp duty did not appear to be appropriate. The State has, therefore, agreed to exempt the transfer from any payment of stamp duty which may have been assessed on the release and surrender by Hamersley Resources of its rights of occupancy.

The mining lease for the Wittenoom areas will be valid for a term of 21 years, dating from the first grant, plus the right for two successive renewals. Iron ore mined from the mining lease will be subject to the royalty provisions contained in the Hamersley Range agreement and not the dated provisions which exist under the Iron Ore (Wittenoom) Agreement Act 1972.

The agreement requires the company to seek approval of its development proposals for Marandoo prior to the granting of the first stage of the mining lease. The company can obtain the second stage of the mining lease, from the remaining Wittenoom mining areas, prior to the approval of any additional proposals. However, no mining activities, other than exploration, bulk sampling and testing, can occur on the residual Wittenoom mining areas until the Minister for State Development has approved proposals, subject to the Environmental Protection Act.

The amendment agreement requires the company to submit detailed proposals to address the mining of the Wittenoom areas. These must include -

- the construction and operation of the proposed railway;
- an environmental management program on measures taken in respect of the company's activities at the Wittenoom mining areas; and
- the use of local labour, professional services, manufacturers, supply contractors and materials.

In addition to incorporating the Wittenoom mining areas into the Hamersley Range agreement, the amendment retains all applicable charges, rights and obligations over the areas which are contained in the Iron Ore (Wittenoom) Agreement Act 1972. These include further processing, where the obligations to produce iron ore concentrates have been transferred in total, and the company's obligation to pay additional rentals 15 years after the first transport date of iron ore from the Wittenoom areas remains.

Additional mining areas: These amendments will allow for the adding of areas to the existing Hamersley Range mineral lease, which is the lease under which both the Tom Price and Paraburdoo mines operate. Presently, variations to the agreement are necessary to bring

new areas into the mineral lease, requiring both Cabinet and parliamentary approval. With the new provisions, areas will be able to be brought in at ministerial discretion. This simplification of the process will benefit both the State and the company management of the existing mineral lease. The 300 square mile limit on the maximum area of the mineral lease is retained. The addition of new areas is on the proviso that this limit is retained. Although the agreement Act mineral lease is subject to the Mining Act 1904, the additional mining areas when incorporated into the mineral lease will be the subject of the previously discussed modern Mining Act 1978 conditions. The additional areas will also be subject to the payment of royalties at the same rate as other areas the subject of the Hamersley Range agreement.

**Environmental reporting:** Hamersley Iron has agreed to the introduction of an improved environmental reporting clause to apply to both the Wittenoom areas and areas added to the existing mineral lease. The company has also agreed to this clause replacing the reporting clause which presently applies to the Brockman No 2 detritals areas. The new clause requires annual reporting as opposed to reporting at ministerial request. In addition, a triennial report and the submission of an environmental program for the following three years can be provided at the Minister's request. This provision is considered to be an improvement on the existing Brockman clause because it provides for reports on future planning, whereas the existing clause provides only for historical reporting.

I now turn to the specific provisions of the agreement scheduled to the Bill before the House. Clause 4(3) of the agreement provides for the grant of a general purpose lease or miscellaneous licence under the provisions of the Mining Act 1978. The principal agreement presently requires the State to grant to the company leases, as reasonably required, under the Mining Act 1904 or the Land Act, for the purpose of obtaining appropriate tenure for facilities, such as tailings dams, which are ancillary to its mining activities. It is not appropriate for the new tenure to be issued under the repealed Mining Act 1904. Consequently, the relevant clause has been revised to refer to the Mining Act 1978. In the event of an application being situated over vacant Crown land or pastoral leases owned by the company, the Minister for Mines can issue the tenement. For other land, the requirement for a hearing in the Warden's Court will still apply. Provision has also been inserted into the agreement which enables the grant of a general purpose lease of an area greater than 10 ha, the current Mining Act limit, to provide greater administrative efficiencies.

Clause 4(8) amends clause 10E of the principal agreement which provided for the Minister for State Development to approve of the content of the company's home ownership scheme. This provision has been removed on the basis that Hamersley Iron's home ownership scheme has been operating successfully for in excess of 10 years and it is no longer considered appropriate that the contracts be submitted for ministerial approval. Clause 4(12) provides for the revised environmental reporting obligations, described earlier, to apply to the Brockman No 2 detritals deposit, which forms part of mineral lease 4SA. Clause 4(13) of the agreement introduces a new clause 10J into the principal agreement which permits the company to bring in additional mining areas in the future. I earlier outlined the other provisions of this clause which provide for submission of proposals, environmental reporting and payment of royalties. Although, the future additional areas will be incorporated into the Mining Act mineral lease, ML 4SA, these areas will be the subject of modern Mining Act 1978 provisions. Clause 4(14) provides for the insertion of a new clause 10K into the principal agreement, which facilitates the transfer of the Wittenoom mining areas from the Wittenoom agreement into the Hamersley Range agreement.

I mentioned earlier that all the obligations which currently apply to Hamersley Iron's mining areas under the Iron Ore (Wittenoom) Agreement Act 1972, such as further processing obligations, have also been transferred into the Hamersley Range agreement. These carried over provisions will, however, apply only to the Wittenoom mining areas. For example, if the company defaults on its processing obligations for the Wittenoom mining areas, only those mining areas would be affected, not the whole area the subject of the Hamersley Range agreement. As with the additional mining areas detailed in clause 4(13), the Wittenoom areas will also be subject to the modern Mining Act 1978 provisions.

Although the provisions of the new clauses 10K and 10J are similar, they have five major distinctions: Firstly, the Wittenoom mining areas will be the subject of tenure issued under the Mining Act 1978 and will not form part of the Mining Act 1904 mineral lease; secondly,

Hamersley Iron can apply for a mining lease for the Wittenoom mining areas in two stages; thirdly, the company must apply for its mining lease for the Wittenoom areas by 31 December, 1999 - there is no time limit on the incorporation of the additional areas into the Mining Act 1904 mineral lease; fourthly, the Wittenoom mining areas will be the subject of further processing obligations, which have been transferred from the Iron Ore (Wittenoom) Agreement Act 1972; and, fifthly, the agreement recognises that the majority of the Wittenoom mining areas are located within the Karijini National Park. Other provisions contained in the amendment agreement are of a minor nature which seek to make the Wittenoom mining areas consistent with the provisions of the Hamersley Range agreement and the Mining Act 1978.

The last part of the amendment agreement addresses amendments to the Paraburdoo agreement and stamp duty exemption. Clause 5 details the necessary amendments to the Paraburdoo agreement as a consequence of incorporating the Wittenoom mining areas into the Hamersley Range agreement. Members may not be familiar with how the Paraburdoo agreement relates to the amendment before this House. Although referred to as the Paraburdoo agreement, this was in fact a 1968 amendment to the Hamersley Range agreement which incorporated the Paraburdoo deposit into that agreement. The stamp duty exemption detailed earlier is also contained in clause 5. The exemption relates only to the one-off specific transfer of rights of occupancy from Hamersley Resources to Hamersley Iron. I commend the Bill to the House.

**HON N.F. MOORE** (Mining and Pastoral) [5.18 pm]: In view of some of the comments made during the debate on the suspension of Standing Orders to deal with the Iron Ore (Hamersley Range) Agreement Amendment Bill in one day, I will refer to some of the comments made by Hon Mark Nevill and get this thing into the right perspective. On 27 May I was requested by Mr Finucane of Hamersley Iron Pty Ltd to discuss the content of the proposed amendments to the agreement Acts. Mr Finucane advised me at the time that the company required the legislation to be passed during the autumn session of Parliament which was due to conclude on 4 June. That meeting was one week prior to the final week of the sitting. I told Mr Finucane that I was becoming increasingly annoyed by the Government's continual strategy of bringing in amendments to agreement Acts during the last week of a sitting and then suggesting to the Opposition that if it did not pass the legislation, it would in some way be delaying a project of some significance. I made it clear to him that, although we would do all we could to expedite the passage of the legislation during the autumn sitting, we were unhappy that it had been left so late.

I spent some time making myself familiar with the contents of the Bill, and members who have read the Bill will know that it is a very complicated, comprehensive amendment to an agreement. I spent some time preparing myself for a debate during that session. As members know, it was not discussed and the Bill sat on the Notice Paper in the Legislative Assembly from 3 June until today, 24 September. As members know, today is the last sitting day before an effective three week break in the sittings of this House. Yesterday Mr Finucane of Hamersley Iron Pty Ltd rang to say the Government was prepared to put forward the legislation today in the Legislative Assembly, and he asked whether the Opposition would assist the company in passing the Bill through both Houses before the three week break. I repeated my concern that the Government was developing a very bad habit of requesting that the Opposition to deal with important matters at the last minute. This is literally the last minute. I was advised by Mr Finucane that the company was very anxious that these amendments to its agreement Act be made in order to allow the Marandoo project to proceed, and that it was very anxious for the legislation to be passed this week. He said that would assist in the development of the Marandoo project. Of course, the Opposition will agree to that. However, I make this point very clear: One of the reasons I agreed is that on four or so occasions in the past I have read in the newspaper or heard on the radio that the Legislative Council had deliberately held up Government legislation when I knew for an absolute fact at the time that it was a pack of lies and had not happened at all.

**Hon Tom Stephens:** Hypocrites of the first order.

**Hon N.F. MOORE:** Government members are very competent at telling lies to the media about what is going on in this House. Regrettably, the media have not asked questions about the true situation and, consequently, once an announcement is made that the Legislative Council is delaying a Bill or a particular activity, the Opposition is immediately on the back foot having to defend itself and say it is not so.

Hon Tom Stephens: You are a porky pier.

Hon N.F. MOORE: When I have more time I will go through this chapter and verse with the honourable gentleman, and tell him exactly what has happened in the past. I will tell him why I am prepared to vote on this Bill today so that tomorrow's headlines do not read "Liberals in the Legislative Council hold up Marandoo project". There would of course also be a comment from the Minister for State Development, who has a propensity to make those sorts of statements. That is why I was prepared to support the suspension of Standing Orders, and to expedite the passage of the legislation this afternoon.

This Bill, which is one of two Bills relating to the matter, reflects the changed circumstances of Hamersley Iron Pty Ltd and Hancock Prospecting Ltd with regard to certain mineral leases in the Hamersley Range area. The commercial arrangements between the two companies are such that the Bill is necessary in order to allow the development of certain mineral leases in the Pilbara to go ahead under the operations of Hamersley Iron. The most important lease in the amendment to the agreement is the Marandoo lease. The word "Marandoo" is synonymous with the incapacity of this Government to get major projects going. It is two years since we were first given to believe this project would get going. It has been delayed by Aboriginal activists, environmentalists and, most of all, an incompetent Government which is unable to make decisions. It sits back and listens to pressure groups, and bends over backwards to satisfy the demands of the minority groups with which it seeks to ingratiate itself. It has not made the sorts of decisions necessary. This project makes the Swan Brewery project look like a pimple on a pumpkin. Delay after delay has occurred, and the company desperately wants this legislation passed today to avoid another three week delay because of the incompetence of this Government in respect of the parliamentary process. The company will employ thousands of people and invest hundreds of millions of dollars. At the moment the level of unemployment is 11.5 per cent, one million Australians are out of work, the level of unemployment is the worst in Western Australia's history, and a company wants to spend hundreds of millions of dollars and employ thousands of people. What does the Government do? It procrastinates, delays, holds up, and every other adjective one can think of in that vein.

Hon J.M. Berinson: This is the fourth time we have introduced legislation to facilitate this project.

Hon N.F. MOORE: Why did the Government not do it six months or six years ago or whenever the company wanted to get the project going? Why did the Government wait until 5.30 pm today to deal with this Bill, after introducing it on 3 June? Does the Government describe that as expediting the matter?

Hon J.M. Berinson: You know why it was delayed.

Hon N.F. MOORE: This could have been done on 4 June.

The DEPUTY PRESIDENT (Hon Garry Kelly): We are trying to get these Bills through before the House rises at six o'clock. It would be in everyone's interest if members did not interject, and if the member on his feet directed his comments to the Chair.

Hon N.F. MOORE: If the Leader of the House believes that by passing this Bill today we are expediting the Bill, why was it not done on 4 June? The Opposition was prepared and said it would pass the Bill. Three or four months later it has still not been passed. The Marandoo project will go down in history as one of the reasons the Labor Party lost the 1993 election, because it was not capable of getting a major development going. The process still has not finished. The Environmental Protection Authority has imposed some crazy conditions on the company which it is not prepared to accept. I would like a Bill to be passed through the Parliament forgetting all that nonsense and putting it aside, and the Parliament to make a decision to get the project going tomorrow. Instead, this project, on which the company wants to spend millions of dollars, cannot get going. It is typical of this Government's activities in its 10 years in power, and it is one of the major reasons it will not be in power after the next election.

The second reading speech, which is very comprehensive, describes the contents of the Bill. It reflects a commercial arrangement between the two companies - Hancock Prospecting and Hamersley Iron. It basically places under the Iron Ore (Hamersley Range) Agreement Act areas of land which are presently under the Iron Ore (Wittenoom) Agreement Act, and it

updates the Hamersley Range agreement in respect of areas of land to be included in the agreement Act. This legislation is an essential part of the process of ensuring that the Marandoo project gets under way. It is regrettable that it has taken this long to reach this place, so I will not delay it any longer. The Opposition supports the Bill.

**HON R.G. PIKE** (North Metropolitan) [5.31 pm]: I do not want The Iron Ore (Hamersley Range) Agreement Amendment Bill passed before the following facts are known. I support absolutely the comments made by Hon Norman Moore. I read into the record that Hon Ernest Bridge, the member for Kimberley; Larry Graham, the member for Pilbara; Kevin Leahy, the member for Northern Rivers; Fredrick Riebeling, the member for Ashburton; Hon Ian Taylor, the member for Kalgoorlie; and Hon Mark Nevill and Hon Tom Stephens in this House, stand categorically condemned - the record will speak for itself - as absolutely failing to properly represent their electorates, for the following reasons. It is 143 days since 3 June, the day upon which this Bill was introduced in the other place. That is over 16 weeks or 40 per cent of the year. That fact is relevant because the Leader of the House has been so fatuous and inane in his usual failure to make a proper comparison, as has Hon Mark Nevill, in saying in the introduction to this debate that if the Opposition had not wasted time this week debating the Notre Dame issue this legislation would have been passed already. This is vital legislation -

Hon J.M. Berinson: How many sitting weeks, Mr Pike? Four?

Hon N.F. Moore: It could have been done in June.

Hon R.G. PIKE: The figures speak for themselves. The Leader of the House will have a chance to reply, but he cannot deny those figures - 143 days, which is over 16 weeks.

Hon J.M. Berinson: That is 13 sitting days.

Hon N.F. Moore: That is an indictment on the Leader of the House.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! My previous comments about the enterprise on which members have embarked this evening stand. I question the relevance of the way in which Hon Bob Pike is presenting his comments. The House is debating why this Bill should be read a second time, not why it has not been here before.

Hon R.G. PIKE: With respect, Mr Deputy President, in debate on this Bill, which will be expedited through its three phases, it is totally proper to draw the attention of the electorates which have their representatives in this place and the other place to the fact that they have supported this obscene delay. The Labor Party has fudged the issue, no matter what Hon Joe Berinson or any other member opposite says in reply; the issue of the 143 days will speak for itself in their electorates; and the comments made by Hon Norman Moore about the election results will also speak for themselves.

Question put and passed.

Bill read a second time.

### *Committee and Report*

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

### *Third Reading*

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and passed.

## **IRON ORE (WITTENOOM) AGREEMENT AMENDMENT BILL**

### *Receipt and First Reading*

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

### *Second Reading*

**HON TOM STEPHENS** (Mining and Pastoral - Parliamentary Secretary) [5.35 pm]: I move -

That the Bill be now read a second time.



The purpose of the Bill is to ratify an agreement amendment dated 20 May 1992 between the State and Hamersley Iron Pty Ltd, Hamersley Resources Ltd and Australian Mining and Smelting Ltd. This amendment agreement reflects the intent behind the Iron Ore (Hamersley Range) Agreement Act Amendment Bill. The House will be aware of the background which was provided when presenting that Bill, and hence that information will not be repeated.

This amendment agreement is a parallel agreement to the Hamersley Range amendment and is designed to accommodate the transition of mining areas from one agreement to another. The major provision of this agreement amendment is clause 4(4), which provides for the grant of a 35 miles square mineral lease from the remaining mining areas, the subject of the Wittenoom agreement.

Members will recall that a number of the 13 temporary reserves held under the Iron Ore (Wittenoom) Agreement Act 1972 are to be transferred to the Hamersley Range agreement. I seek leave to table the plan marked "Y" referred to in the agreement which will serve to show the House the location of the remaining Wittenoom mining areas.

Leave granted. [See paper No 426.]

These areas may be developed by Hancock Prospecting Ltd under a sublease arrangement with Hamersley Iron.

The remaining provisions contained in the amendment agreement are of a minor nature which reflect changes required to recognise that many provisions in the Iron Ore (Wittenoom) Agreement Act 1972 are outdated. The State and the company have agreed to defer any major review of the agreement to a date prior to development of the mining areas. This will ensure that the changes are appropriate to the development being considered.

I commend the Bill to the House.

**HON N.F. MOORE** (Mining and Pastoral) [5.37 pm]: The Opposition supports the Iron Ore (Wittenoom) Agreement Act Amendment Bill. This Bill simply amends the Iron Ore (Wittenoom) Agreement Act to facilitate the transfer of mining areas from one agreement to another and, therefore, is complementary to the previous Bill just passed by the House. In earlier comments this afternoon members have strayed slightly from the Bills by talking about the delays that have occurred in receiving the Bills in this place. Hon Bob Pike mentioned the 143 days. Hon Joe Berinson, by way of interjection, said that there had been only 13 sitting days in that time.

Hon J.M. Berinson: The Assembly is limited in its ability to bypass the Budget debate.

Hon N.F. MOORE: I did not think anybody would claim that 13 sitting days out of 143 was anything to be proud of, or was even a vague reason for any delay.

Hon J.M. Berinson: You know the circumstances in the Assembly.

Hon N.F. MOORE: If the Government were as anxious as the Opposition to expedite the development at Marandoo, it would have passed the Bill in the Assembly and the Council on 4 June this year. It introduced this Bill into the Assembly on 3 June and the Opposition would have agreed to the suspension of Standing Orders to enable it to be passed on 4 June. Alternatively, if the Government were serious about this legislation and about Marandoo it could have recalled Parliament the following week. There are no restrictions on when the House can sit.

Hon J.M. Berinson: You are talking theories and ignoring the facts of the House itself and its resistance to special sittings.

Hon N.F. MOORE: In my 15 years as a member I have been called back to this place on about five occasions to deal with special legislation. One occasion was to pass legislation dealing with the ceiling on the price of fuel. It was the first Bill passed by the present Government. All members were dragged back to debate that Bill; in fact, some of the Opposition members came back after they had been defeated at the election because they were still members until 26 May. The point I am making is that if this Government were in any way serious about assisting Hamersley Iron to get this project up and running, it would have ensured that this legislation was passed in June, not September. It is an indictment of the Government that it has taken 143 days, including 13 sitting days, to deal with this legislation.

Hon J.M. Berinson: You are playing with figures rather than facts.

Hon N.F. MOORE: The facts speak for themselves.

Hon J.M. Berinson: They certainly do.

Hon N.F. MOORE: It has taken 13 sitting days to deal with the Bill. Hon Tom Stephens and Hon Tom Helm will know the situation because they represent the Marandoo area. This project has been delayed by incompetence and the political direction of the Government.

Hon Tom Helm: Popycock!

Hon N.F. MOORE: It has been delayed because of the Government's political masters in the Aboriginal and environmental movements and in its own left wing.

Hon Sam Piantadosi: Steady on, Norm.

Hon N.F. MOORE: I thought that would wake the member up. As Hon Bob Pike said, it has taken 13 sitting days in the past 143 days to move this Bill through the Parliament, but this Government has delayed the project for two years. We are dealing with this legislation today because the Government has problems with its back bench. People in the Labor Party have problem with excising areas of the Karijini National Park - or, as I like to call it, the Hamersley Range National Park - for development.

Several members interjected.

Hon N.F. MOORE: The Labor Party, with all its bleeding heart claims about the desecration of the so-called Karijini National Park, is a reflection on this Government. This Government is unable to get a major project going for this State. That is why we have 11.5 per cent unemployment in this State, and one million people out of work in Australia.

Hon R.G. Pike: They are hypocrites!

Hon N.F. MOORE: Government members cannot make decisions in their own forum. They delay and procrastinate until such time as matters are rushed through the Parliament. We have had one hour to debate this matter, but that is probably so that Hon Tom Helm cannot speak against it. Also, the Government has put Hon Tom Stephens in charge of the Bill so that he cannot oppose it!

Hon Tom Stephens: Have you been at the magic mushrooms again?

Hon Tom Helm: You should visit the north west every now and again.

Hon N.F. MOORE: I spend a lot of my time in the north west.

Hon Tom Helm: I have not seen you. You do not go to Hedland.

Hon N.F. MOORE: I have not seen much of Mr Helm in the goldfields. A big sign stands in Kalgoorlie which reads "Hon Tom Helm". However, people say, "Who is that? I have never heard of him. Is he some relation to the guy from the movies, Matt Helm?" I tell these people, "No, that is a different bloke. This one is from Liverpool." To be fair, I say, "No, he is from Port Hedland. We cannot expect him to be in Kalgoorlie much because he has a great deal of work to do placating the people of Port Hedland, who must put up with this Government."

This Government cannot make a decision. Members of the Government back bench do not like this legislation as they are concerned that the greenies will turn on them over the Karijini National Park. The Government is aware that the Press Gallery is empty and greenies are not in the Public Gallery. Therefore, it wants to pass this Bill in a hurry so that no-one will know about it - especially the greenies - until it is all over red rover. That is the reason for this treatment of the legislation.

I, the Government, the company and, more importantly, the people who work at Hamersley Iron know what this matter is about: The people who work at Hamersley Iron - those from Karratha, Tom Price, and Paraburdoo - know that their future depends upon Marandoo. The project was delayed for two years because of the inability of this Government to get its act together. These people will tell the Government, in no uncertain terms, what they think of it next year!

Question put and passed.

Bill read a second time.

*Committee and Report*

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

*Third Reading*

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and passed.

**ADJOURNMENT OF THE HOUSE - SPECIAL**

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [5.48 pm]: I move -

That the House at its rising adjourn until Tuesday, 20 October 1992.

As members will be aware, this motion anticipates a three week recess. As will also be well known, the third week is due to the decision of the House to sit as an Estimates Committee for the whole of that week.

Question put and passed.

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [5.49 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Question Without Notice 497 - Permanent Building Society - Withdrawable Shareholders Error Correction*

**HON J.M. BERINSON**: I take the opportunity to correct a small factual error which was brought to my attention in relation to my answer to question without notice 497 of yesterday's sitting. The question related to the position of withdrawable shareholders following the decision by the Supreme Court yesterday. In my answer I said -

... at least 40 per cent of them - that is, about 3 800 - have been reclassified in a way which places them in the same position as other depositors.

As has been pointed out to me, the figure of 3 800 to which I referred represents only about 30 per cent of the total number of withdrawable shareholders. The figure of 40 per cent to which I referred relates to the proportion of the deposits which are held by the withdrawable shareholders who were assisted by this first ruling by the court. As I indicated yesterday, that number is expected to be substantially increased by the time the court has determined outstanding questions.

Hon George Cash: You exaggerated the situation.

Hon J.M. BERINSON: I did not. I referred to a proportion of the depositors, when I should have referred to a proportion of deposits. That having been brought to my attention -

Hon George Cash: You were wrong.

Hon J.M. BERINSON: And apparently the Leader of the Opposition failed to pick up such an elementary mathematical error. I therefore thought I should draw it to his attention. Nothing that I have said changes the general picture which I was able to convey; that is, it appears that, in spite of the unfortunate moves by the Opposition in November of last year to put barriers in the way of withdrawable shareholders' rights, the greater proportion of them will recover more than 70¢ in the dollar of their deposits.

*Adjournment Debate - Iron Ore Agreement Amendment Bills Delay*

**HON R.G. PIKE** (North Metropolitan) [5.53 pm]: The House should not adjourn until I make reference to the debate of this evening on the iron ore agreement amendment Bills for Hamersley and Wittenoom when the matters involved were very precisely and competently discussed by Hon Norman Moore, the Liberal Party spokesman on mining and energy. He referred to the fact that the Bills were delayed for more than 16 weeks. I find it remarkable that Hon Mark Nevill, who is not in the House; Hon Tom Stephens, the Parliamentary Secretary who handled the Bills; and Hon Tom Helm gave the fatuous excuse that the delay was a result of the time spent this week debating the University of Notre Dame issue. Whether that was justified will be a judgment made by the electorate of this State, and not by this House. To use that excuse is unadulterated Bovril. What about the other 15 weeks during this session?

Hon J.M. Berinson: How many sitting days will you continue avoiding that question?

Hon R.G. PIKE: I am speaking in this adjournment debate to invite those procrastinators, fudgers of the facts, and delayers, particularly Hon Tom Helm and Hon Tom Stephens, to avail themselves of this time to defy the instructions, no doubt of their leader, that they should refrain from speaking on those agreement Bills and to let them go through to the keeper. They must handle the matter carefully; they are wrong but they do not admit they are wrong. By their silence, they will be judged by the electors. We are in a pre-election climate and it is quite proper that the democratic process of this House should be used. They should address that issue which is vital to employment in their electorates and which will be a vital issue in the election, and advise the public where they stand on the economic development of this State. They should justify the longer than 16 week delay. There is no reason for them not to talk, unless they are under instructions from their leader to let the Marandoo Bill go through to the keeper. In the last few minutes of discussion of that Bill they had six opportunities to speak in the debate, but they sat silently. By their silence, they sat condemned. I am now giving them their seventh chance.

The PRESIDENT: Order!

Hon J.M. Berinson: You are getting worse as you get older. I think you should retire.

The PRESIDENT: Order! When I call order that means members should come to order pretty well straight away, not several minutes later. I am in rather a quandary about Hon Bob Pike's comments. I am more concerned that he is issuing an invitation to other members to say something which will contravene Standing Order No 91. To use the current jargon, we must find a level playing field. Standing Order No 91 states -

No Member shall allude to any debate or proceedings of the same session unless such allusion be relevant to the matter under discussion.

I allowed Hon Bob Pike to continue because I was not sure whether he was relating to the debate. If he were talking about the content of those Bills particularly when he extended the invitation to other members, he would have been on dangerous ground. He may proceed for a minute or two while I consider whether I will let him carry on at all.

Hon R.G. PIKE: To be quite germane to the debate -

Hon J.M. Berinson: Why break the habit of a lifetime.

The PRESIDENT: Order! That is a determination that I will make.

Hon R.G. PIKE: I will endeavour to be pertinent under Standing Order No 91. I am merely referring to an inordinate delay which was effected in this House and in the other place. It is reasonable to talk about a delay and to give members a proper opportunity to express their views on an important matter which has been delayed. I was trying to listen to the Attorney General, as he is called, and to you, Mr President, as he was beginning his usual attack on me which is his usual camouflage tactic to avoid addressing the issue. I do not want a smart alec reply from him; I invite other members to comment. The record will stand for itself.

*Adjournment Debate - Minister for South-West's Hypocrisy - Regional Tourism Cutbacks, Rally Australia Boycott; Compact Steel Project*

HON BARRY HOUSE (South West) [5.58 pm]: I have been keen to make a few comments in the Budget debate for the past few days; however, the opportunity has been denied me, particularly this afternoon thanks to the farce of the past hour or so. I was not too concerned about that because it was about a very large project which will deliver jobs to Western Australians. However, the hypocrisy of the Government in the debate was obvious. I will refer to a couple of announcements made yesterday on which I will comment now rather than wait three weeks until the House reconvenes. Two announcements made yesterday reflect the gross hypocrisy of the Government, and particularly of the senior representative in the south west, David Smith, the Minister for South-West. In the light of those announcements he has considerable explaining to do to the people in the south west on his strange and contradictory behaviour towards a couple of issues. The first announcement which brought the issue to a head yesterday concerned cutbacks to regional tourism. I refer to an article in the *South West Times* of today which reads -

The State Government yesterday confirmed a plan to close the WA Tourism Commission South West office.

Public servants at the Bunbury Tower Office will be moved to a centralised office in Perth.

That, in effect, means that four officers from the regional tourism commission office in Bunbury will be moved to Perth, one from Narrogin, one from York, one from Geraldton and one from Kalgoorlie. A couple representing the north west will remain in their office. So much for the Government's commitment to decentralisation about which we hear so much.

I will demonstrate the gross hypocrisy of the Minister for South-West, Mr David Smith. A recent article in the newspaper headed "Smith will boycott big race in protest", was in reference to Rally Australia, which had three of its routes in parts of the south west. The Minister for South-West made it known that he would boycott this rally because Telecom was its sponsor. His boycott was in response to Telecom's withdrawal of staff from the south west earlier this year. This incident caused a lot of public comment and, like the Minister, I was disappointed and angry about the withdrawal of those staff from regional centres. Telecom had no reason to do what it did and if it had tried harder it could have done better. The irony of the situation is that if it were not for Telecom's sponsorship Rally Australia would not have proceeded as an event and would probably have folded. I could quote from the article to demonstrate the hypocrisy of the Minister, but I do not have the time. However, in this article the Minister praises the Government's commitment to decentralisation and regional development. One week later he was lying idle while the Minister for Tourism was withdrawing staff from regional tourism offices.

Hon J.M. Berinson: No-one has done more for the south west than David Smith, and you know it.

Hon BARRY HOUSE: I am pointing out the gross hypocrisy of the man.

#### *Point of Order*

Hon J.M. BERINSON: Hon Barry House has been making objectionable statements about a Minister from another place. His reference to this Minister in the terms he is using - for example, his hypocrisy - should be withdrawn.

The PRESIDENT: I do not consider that to be unparliamentary.

Hon Tom Stephens: It is not the truth.

The PRESIDENT: I am not talking about that aspect of it, I am talking about whether it is unparliamentary.

#### *Debate Resumed*

Hon BARRY HOUSE: If nothing else, the Minister for South-West has been grossly disloyal to the south west by not representing that region at Rally Australia events. This event is estimated to bring in \$13 million for Western Australia and it provides international exposure, at no cost, of the south west.

The second announcement made yesterday by the Minister, which again demonstrates his hypocrisy, concerns Compact Steel. This company announced its preliminary investigations for a site for its steel mill and the Bunbury Port site is its preferred site. It quoted figures to indicate that this site had an advantage in location and establishment costs over the Kwinana site of something like \$90 million; the Picton site, \$136 million; and the Kemerton site, \$278 million. Clearly, Compact Steel has indicated its preferred choice is the Bunbury Port site.

Let us examine David Smith's position on this issue. He has stated on several occasions that the Compact Steel plant will not go ahead on the Bunbury Port site as long as he has anything to do with it. In other words, he has set himself up as judge and jury, and as God - he has even invoked passages from the *Bible* to promote his cause. He has been prepared to prejudice the issue even before a feasibility study has been undertaken on any of these four sites.

I remind the House that the Compact Steel project has the potential to offer this State jobs. It offers for stage 1 a peak construction force of 3 000 jobs, 1 400 permanent direct jobs in

operations, 500 support jobs and up to 3 000 additional jobs in various categories. The project is no chicken feed and if it can get off the ground it will give to this State a number of economic advantages.

Hon George Cash: It is a pity he has tried to stop it.

Hon BARRY HOUSE: The Minister for South-West has vetoed this project before a feasibility study has been undertaken to determine whether the project will be operational in the south west. In other words, he is saying that the project has no chance of going to the south west and he has effectively palmed it off to Kwinana, if it has any chance of going ahead in Western Australia.

I acknowledge that the port site at Bunbury presents some difficulties, both environmentally and socially. However, who is David Smith to prejudge that before the feasibility study has reached stage 1? He has set himself up as judge and jury and has delivered a veto. The comments he made about this project contradict other statements he made. He made reference to a south west industrial site study report which he released in a glossy brochure which had his photograph in it. It says in summary that Bunbury's destiny as the heavy industry capital of the south west has been guaranteed. It also says that the report sharpens its focus on Bunbury as an industrial headquarters and outlines a policy which will be implemented over the next 30 years. Mr Smith made a couple of comments which are very interesting. In a newspaper article he said -

... if there was any public outcry against the siting of industry at areas targeted in the report, the outcry would be ignored.

That is very interesting in view of the Minister's previous comments. He said further on in that article -

When an individual speaks up against a site identified in this report, he is just that, an individual," ...

The Minister for South-West has clearly demonstrated that he has been not only hypocritical, but also grossly disloyal to the south west. He has a lot of explaining to do.

#### *Adjournment Debate - Minister for South-West and Government - Jobs Commitment*

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [6.08 pm]: No-one has done more for the south west than Hon David Smith. No Minister for South-West has championed the cause of the south west with such vigour and enthusiasm and delivered so much to the people of that region than he has. The resources and energy of government have meant that this region has, in the view of many people, a disproportionate share of the resources to consolidate enormous benefits for the people of that region. The person who has championed that cause in the period that the Labor Party has been in Government has been Hon David Smith, the Minister for South-West. He has the good fortune of being part of a Labor team and part of a Cabinet which has weighed up a lot of considerations over the proposed Compact Steel project to a point where a feasibility study will be undertaken. This is far more than the members opposite have done. The Minister has the benefit of being a member of a team which has the ability to lead him through these issues insofar as his electorate is concerned. The team will be able to weigh up the issues with him to ensure that the decision made will be in the interests of the people of Bunbury and Western Australia. If that means that at times the Cabinet team must take into consideration his deliberations then members opposite should be pleased that he is championing the people's cause.

Hon Barry House: I demonstrated he is not doing that.

Hon TOM STEPHENS: To the contrary. He has the benefit of the leadership of Dr Carmen Lawrence and her team and they have ensured that nothing is more important to the people of this State than jobs and more jobs. The reason that is the case is that we are proud members of the Australian Labor Party, a party that was born from a commitment to workers, to the maintenance of jobs for Australians, to the maintenance of work standards and to a continuation of a solid and strong labour market in this country. We maintain that commitment today. Nothing could be more galling for members of the Labor Party led by Dr Carmen Lawrence, our Premier, than for us to have to sit here and listen to the comments from members opposite during the debate this afternoon while we are trying to ensure the passage of legislation that will see the delivery of more jobs at the Marandoo project in the

north west of this State. We sat with our tongues clasped firmly in our teeth - we nearly bit them in half - so that the Bill's passage through this place would not be delayed.

Opposition members interjected.

The PRESIDENT: Order! The behaviour by members of the Opposition is the most disgraceful that I have seen in my time as President. If members of the Opposition believe that I will allow that to continue, they have another think coming. The fact that the House will adjourn in a few minutes may give them to understand that I will take no action. Their assumption is quite incorrect because to their eventual detriment, the House will resume sitting on Tuesday, 19 October. Whatever I am unable to do now, I will do on that day if honourable members do not cease their interjections. I have always told them that they do not have to like what a member says, but they have to listen.

Hon TOM STEPHENS: We sat on this side of the House during the debate this afternoon and ignored the taunts and the jibes that were thrown our way by members opposite.

As I have said, no party is more committed to the creation of jobs in this State than the Labor Party. Unfortunately, it seems that members opposite are taking too much notice of a message delivered by our Minister for Health in one of his health campaigns although in another context; that is, it is okay to say no. He was not referring to development projects in this State. However, too often members opposite sit there and say no to development proposals put forward by the Government by shunting them off to committees of this House to delay the development of Western Australia.

No-one is more committed than this Government to ensuring that Marandoo goes ahead so that the iron ore of the Pilbara region arrives on world markets. At the same time we are ensuring the creation of jobs in areas associated with the iron ore industry. Government members have worked for an enormous number of hours with Hamersley Iron to ensure that the projects gets off the ground. The Leader of the House told members that the number of items brought to this House to expedite this project has been legion - I think five in all. We believe that the latest initiative will ensure that the project is on track to benefit the people of Western Australia.

Contrary to the impression that was given to the House by Hon Bob Pike, the Leader of the House was not trying to silence members on this side of the House from responding to the false allegations made during recent debate in this House. Contrary to the gentlemanly language that he would have used, members of the Opposition are used to more rough language indicated by the comment, "Lay 'em out during the adjournment debate."

I assure members opposite that we are sick of the claims by Hon Norman Moore and his colleagues that this Government opposes development of the sort debated this afternoon. We have to strike a balance between jobs and the many factors that are of great importance to the people of Western Australia and the remote regions. It will take brighter men than Hon Bob Pike or Hon Norman Moore to bait us into the traps that they have set for us. Members like Tom Helm will not be baited into falling into any traps members lay for him. We are committed to ensuring there are jobs for the people of Western Australia as quickly as possible.

#### *Adjournment Debate - Iron Ore Agreement Amendment Bills Delay*

HON TOM HELM (Mining and Pastoral) [6.16 pm]: I assure the Leader of the House and the Whip that I do not intend to be baited; Hon Tom Stephens is perfectly right. The difficulty I have is trying to describe the arrant nonsense that was uttered by Hon Norman Moore and Hon Bob Pike in the debate this afternoon. The only trouble that my leader and the Whip have is that I may offend against Standing Order No 97 in trying to use the correct words to describe people who expressed such arrant nonsense in the debate this afternoon or in this adjournment debate. I guess I would sail fairly close to the wind if I tried to describe the mental capacity of the people who would make the kinds of statements that they made.

I remind members opposite that the Labor Government did not bring about the Noonkanbah dispute. This Labor Government is trying to maintain the towns in the more remote areas. If members opposite had a look at the Bill they would have seen, in the explanatory memorandum, that that Bill contains a provision which provides work for locals. Maybe Hon Bob Pike does not care whether the work goes to people living in Perth, Sydney or Melbourne. In relation to the 16 weeks, it would not take a child or anybody with half a

brain reading *Hansard* to work out what a stupid statement that was. The 16 weeks can be explained by the number of sitting days contained in that 16 weeks.

*Adjournment Debate - Standing Committee on Legislation Commendation*

HON PETER FOSS (East Metropolitan) [6.18 pm]: I have to defend the Standing Committee on Legislation. The Legislation Committee is one of the hardest working committees and one of the most deserved of commendation in the way that this House works. I resent the suggestion that the Legislation Committee is in some way a delaying tactic. I would like most legislation, if it were practical, referred to a committee such as the Legislation Committee. I resent the suggestion that, in the serious considerations given by our committee, it is in some way a delaying tactic. Hon Tom Stephens referred to Bills being referred to committees of the House as being a delaying tactic. It is time it was realised that members of Legislation Committee work hard and spend an awful lot more time on legislation than does anybody else. I think the committee has shown by its reports and conscientious attention to the job it does that it takes its task seriously and does a useful job for the House. It is about time that the old furphy that the Legislation Committee is there to delay matters is completely squashed and that the work of the members is recognised. The committee tries to expedite the proper carrying out of the work of this House. I am fed up with that suggestion, and it is about time members stopped making it.

Question put and passed.

*House adjourned at 6.20 pm*

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## QUESTIONS ON NOTICE

## HOSPITALS - PARABURDOO

*Closure or Modification*

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

- (1) Is it the Government's intention to close or modify the Paraburdoo Hospital?
- (2) If so, what are the reasons for the closure or modification and what is proposed?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1)-(2)

There is no intention to close the Paraburdoo Hospital. Modifications, if any, may occur if the Tom Price-Paraburdoo health services review, currently being considered by an independent health planning consultant shows changes to the role of the hospital would improve the health services available to people in the Tom Price-Paraburdoo area. Consideration of any possible modification to existing services would involve full consultation with the local community.

## PRISONS - CASUARINA

*Razor Wire Purchase - Supply or Erection Irregularities*

686. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Is the Minister aware of any irregularity which may have occurred in respect of the supply and/or erection of the razor wire at Casuarina Prison?
- (2) What was the role of the Minister in the purchase of the imported razor wire?
- (3) Will the Minister table the correspondence involving the tendering, evaluation and purchase of that imported razor wire?

Hon J.M. BERINSON replied:

- (1) I am advised by the executive director that the current review of the building services division of the Department of Corrective Services has raised some concerns about the procurement of razor ribbon tape. These are the subject of further consideration, and will be included in the report of the review, which is expected to be available within about three weeks.
- (2) On 20 November 1989 I approved a recommendation by the department for acceptance through the State Tender Board of a tender by Barry R. Liggins Pty Ltd for the purchase of razor ribbon tape for Casuarina.
- (3) I suggest that the honourable member raise this question again when the report of the review has been presented.

## STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - CORAL BAY

*Power Supply Reconsideration*

692. Hon P.H. LOCKYER to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Has the Government reconsidered its position on the supply of power to Coral Bay now that the township has a sealed road and has the prospect of expansion?
- (2) If not, what are the benchmark criteria for the number of residences and residents to obligate the Government to provide power to a community?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) No.
- (2) SECWA is not obliged by Statute to extend supplies to new customers.

The question of power supply to Coral Bay and other similar locations is considered on a commercial basis in each case.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - MT JAMES  
COMMUNITY  
Power Supply Role**

693. Hon P.H. LOCKYER to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Does State Energy Commission of WA have any role in the supply of power to the Mt James community east of Carnarvon?
- (2) If so, are these services paid for separately by the Federal Government or by the Aboriginal and Torres Strait Islander Commission?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Yes, SECWA acts as a consultant/contractor providing services and professional advice on a fee for service basis.
- (2) The Aboriginal and Torres Strait Islander Commission funded the installation of the power station. Maintenance is funded by the Aboriginal Affairs Planning Authority.

**ABORIGINAL LEGAL SERVICE - SENIOR OFFICER HELD IN CUSTODY  
Payment of Fine by Cheque Drawn Against Aboriginal Legal Service Account**

772. Hon E.J. CHARLTON to the Minister for Police:

- (1) Was a senior officer of the Aboriginal Legal Service held in custody on 1 July 1992 and released on 2 July 1992?
- (2) Did that officer or any other ALS officer attempt to make a payment of a fine or a payment for any other purpose by means of a cheque drawn against an ALS account?
- (3) Was the offer of an ALS cheque refused and, if it was, on what grounds?
- (4) Was a payment made by another means to secure the release of the ALS officer and, if so, how was it paid?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2)-(3)

I am unable to confirm that an Aboriginal Legal Service officer attempted to make a payment of a fine or a payment for any other purpose by means of a cheque drawn against an Aboriginal Legal Service account. I have requested the Commissioner of Police to examine the matter and advise me accordingly.

- (4) Yes. A payment by bank cheque was made to secure the release of the ALS officer and a receipt made out to the ALS. This receipt was cancelled, however, when the ALS pointed out that the bank cheque was drawn on a private account and not on the account of the ALS, and a new receipt was issued.

**QUESTIONS WITHOUT NOTICE**

**UNIVERSITY OF NOTRE DAME AUSTRALIA PROPOSAL - GOVERNMENT  
GUARANTEE**

*Catholic Education Office, Letter to Attorney General - Reponse Tabling*

500. Hon GEORGE CASH to the Leader of the House:

I refer to a letter dated 15 March 1988 sent to the Leader of the House by the Catholic Education Office of Australia. In part it seeks his approval for the provision of the State Government's guarantee on loans taken to finance the

establishment of the university. Will he table his response to that letter for the information of the House?

Hon J.M. BERINSON replied:

Firstly, I do not believe that Mr Cash's description of the letter from the Catholic Education Office is correct. My recollection of the early correspondence was that it was in the nature of a general outline of the proposal and was certainly seeking my support on what I believe was a Government-wide lobby effort by the Catholic Education Commission - although I am not sure of the organisation. I think we are talking about Dr Tannock's letter.

Hon George Cash: It was a letter from Dr Tannock.

Hon J.M. BERINSON: I would have to go back to remind myself of this, but I think it will be found that it is of the nature I have described.

Hon George Cash: Perhaps I could provide you with a copy of the letter?

Hon J.M. BERINSON: I think I can deal with both matters in responding to the member's further question. I will go back to see precisely what it says. I think I am on pretty safe ground in suggesting that the nature of the letter is as I have indicated - a preliminary lobbying approach. I do not need to table that letter as the Leader of the Opposition -

Hon George Cash: It is your response I seek.

Hon J.M. BERINSON: I am happy to see whether I responded to Dr Tannock. If I did I will be happy to provide that letter.

#### UNIVERSITY OF NOTRE DAME AUSTRALIA PROPOSAL - MEETING 1 SEPTEMBER 1989

*Horgan, Tannock, O'Sullivan, Minister for Budget Management Attendance*

501. Hon GEORGE CASH to the Leader of the House:

- (1) Did he, in his capacity as the then Minister for Budget Management, attend a meeting on 1 September 1989 with Denis Horgan, Peter Tannock and Des O'Sullivan of the University of Notre Dame Australia?
- (2) If yes, was the subject of a Government guarantee to the university discussed?
- (3) As the then Minister for Budget Management, did he support the guarantee to the UNDA?

Hon J.M. BERINSON replied:

(1)-(3)

I would need to refer to my records in order to respond to the whole of that question. I ask that it be placed on notice.

Hon George Cash: I will provide the Leader of the House with the minutes of the meeting, which may help his answer in due course.

#### UNIVERSITY OF NOTRE DAME AUSTRALIA PROPOSAL - PROPOSED ENABLING LEGISLATION

*Acting Treasurer's Submission in Writing to Premier - Drafting of Legislation, Cabinet Approval*

502. Hon GEORGE CASH to the Leader of the House:

- (1) Did he as Acting Treasurer write to the Premier in Cabinet of 13 October 1989 regarding the proposed enabling legislation for the University of Notre Dame Australia?
- (2) Did Cabinet approve the drafting of this legislation on 24 October 1989?
- (3) In approving the drafting of this legislation did he require Parliamentary Counsel to ensure that the legislation provided no direct or implied commitment to Government financial support for the university, other than for a Government guarantee?

Hon J.M. BERINSON replied:

(1)-(3)

I was under the impression that a question was on notice on this matter.

Hon N.F. Moore: It is.

Hon George Cash: It is not along the same lines.

Hon N.F. Moore: I asked a similar question.

Hon George Cash: It is different enough for you to answer the question.

Hon J.M. BERINSON: It is probably similar enough for me not to answer it! However, I am not interested in avoiding the answer; I am interested in ensuring that any answer I give is -

Hon Max Evans: The same.

Hon J.M. BERINSON: - correct. It will necessarily be the same in all instances because it will be correct. I do not think I can be expected to respond to questions about particular documents on particular dates without referring to the record.

Hon N.F. Moore: I thought you might have done that as a matter of course in view of the fact that the issue is fairly current. I thought you might have looked at what you did.

Hon J.M. BERINSON: Believe it or not, Mr Moore, I have one or two other things to do! Frankly, I do not regard any contact or earlier knowledge with the Notre Dame proposal as requiring the sort of priority Mr Moore gives to it.

Hon N.F. Moore: It will bring the Government down.

Hon J.M. BERINSON: Without binding myself to any particular date, I am aware - from my initial look earlier today at Mr Moore's question - that I did not write to the Premier. The Leader of the Opposition has this constant tendency to confer his own misdescription on anything he gets his hands on. I did not write to the Premier. I put in a submission to Cabinet.

Hon George Cash: Was it in writing?

Hon J.M. BERINSON: In the ordinary course of events, the submission is headed "The Minister for such and such submits to the Premier in Cabinet". That does not mean that I wrote to the Premier. In fact, it means that I directed a submission to the Cabinet Secretariat to ensure that the matter went on to the Cabinet agenda. Nonetheless, none of this is terribly relevant.

Hon Kay Hallahan: Do not give them a lesson; they will never need to know.

Hon J.M. BERINSON: Indeed, in other circumstances there might be some point to bringing the Opposition up to scratch with Cabinet procedures, but given the way it is heading that will not be necessary for many years.

Hon George Cash: Is that your signature on the document?

Hon J.M. BERINSON: Therefore, I will not proceed along that path.

I am aware from the effectively identical question on notice from Hon Norman Moore that I put a submission to Cabinet in my then capacity as Acting Treasurer. That must have been done in the absence of the Treasurer. If the date suggested here comes from the Public Accounts and Expenditure Review Committee's report, I am happy to accept it. If it is from other documents, I am happy to accept it. However, I would prefer to go to my files and check the dates precisely.

I will move now to a further part of the question, in spite of the fact that the question is effectively identical with the one Mr Moore asked on notice. It relates to a draft instruction. The fact that I was Acting Treasurer at the time of the submission would not, I believe, have involved me in any role related to the drafting instruction. In the ordinary course of events I would expect that

to be dealt with by the substantive Minister, or the relevant staff within the substantive Minister's office.

Hon N.F. Moore: Are you saying that Dr Lawrence made a request for the drafting instruction?

Hon J.M. BERINSON: No. If the submission was from me as the Acting Treasurer, the drafting instruction would have gone from the Treasurer - I am guessing; I do not know.

A question to that effect is on notice from Hon Norman Moore. I am perfectly happy to check the record and I will be able to provide a full detailed response. I can do no more at the moment that talk in general principles. In general, a submission by a Minister in an acting capacity would not be followed up with the drafting instruction from that Minister's office.

Hon N.F. Moore: It does not absolve you of responsibility.

Hon J.M. BERINSON: It would normally come from the substantive Minister's office. If there is any difference in this respect, I will have the opportunity to check that in the next few days.

Hon George Cash: Would the drafting instruction not relate to a Cabinet decision?

Hon J.M. BERINSON: Of course it would; they follow a Cabinet decision.

The PRESIDENT: Order!

#### UNIVERSITY OF NOTRE DAME AUSTRALIA PROPOSAL - PROPOSED ENABLING LEGISLATION

*Acting Treasurer's Submission in Writing to Premier - Tabling of Submission, Cabinet  
Summary Sheet and Drafting Instructions*

503. Hon GEORGE CASH to the Attorney General:

Would it be of assistance to the Attorney General if I were to table the submission that he, as Acting Treasurer, made in writing to the Premier regarding the proposed enabling legislation for the University of Notre Dame, which includes the recommendation that Cabinet approve the drafting legislation to allow the university to operate and that Cabinet approve this as a priority? Furthermore, I will ask for leave to table the Cabinet summary sheet and drafting instructions for the legislation. That may assist the Attorney to remember some of the circumstances of that time.

Hon J.M. BERINSON replied:

It must be Thursday! The man is getting ready to leave. It would neither help nor hinder, but if the Leader of the Opposition cares to table the document, by all means he should. Nevertheless, the position remains that for any substantive answer on this subject I will go to my own files, make my own inquiries and satisfy myself that any detailed response is correct in all respects. The reply will then emerge in response to the question on notice - more responsibly on notice - by Hon Norman Moore. I am very sorry to see this small demarcation dispute between Hon George Cash and Hon Norman Moore.

Hon George Cash: We are working in conjunction.

Hon J.M. BERINSON: I can understand the Leader of the Opposition's being just a little irate that his junior on the front bench should have pre-empted a question he had in mind. Nonetheless, that has happened in a more responsible manner -

Several members interjected.

Hon Kay Hallahan: You don't know what you are doing.

The PRESIDENT: Order! The Attorney General is getting away from answering the question. He should complete what he is doing and answer the question.

Hon J.M. BERINSON: I will complete what I am doing by expressing my regret that

this once great party is threatened by something so sad as a demarcation dispute between the Leader of the Opposition and a junior member of the frontbench. We have become very used, especially in recent weeks, to the Liberal and the National Party's not knowing what the other has in mind. However, I would have thought -

Several members interjected.

The PRESIDENT: Order! The Attorney General will come to order. I will not tolerate answers to questions in the fashion that the Attorney has now allowed this debate to generate into. I am warning all Ministers that, as is the rest of the House, I am becoming fed up with them .

#### FINES - PAYMENT BY CREDIT CARD

504. Hon FRED McKENZIE to the Attorney General:

In his recent comment on the payment of fines, the Attorney General referred to the arrangement for time to pay and also for payment by credit card. Can he indicate the extent to which the payment of fines by credit card is now made?

Hon J.M. BERINSON replied:

I thank the member for some advance notice of this question. I have been somewhat surprised - even a little impressed - to learn, for the first time, of the extent to which the ability to pay fines by credit cards has been accepted. I am advised that in the financial year 1991-92 approximately 22 000 fine payments made use of credit cards. Approximately \$1 648 000 were collected in this way, with an average amount per transaction of approximately \$75. These figures relate not only to the payment of fines as such, but also to the payment of penalties which arise as a result of infringement notices.

#### ART GALLERY OF WESTERN AUSTRALIA - SENIOR POSITIONS VACATED

505. Hon PETER FOSS to the Minister for The Arts:

- (1) How many senior positions at the Western Australian Art Gallery have recently been vacated, or on which notice has been given which will cause the positions to be vacated?
- (2) What are those positions?
- (3) How long has each occupant held his/her respective position?
- (4) What were the reasons given for vacating those positions?

Hon KAY HALLAHAN replied:

(1)-(4)

The member cannot seriously expect an answer to that question without some prior notice. The position of the director is about to become vacant. John Bannister, who has been at the Western Australian Museum for almost 25 years, recently gave notice and either that period of notice has come to an end or he is on leave with it about to come to an end. He was Director of the Museum for, I think, about 17 years and enjoyed an outstanding career.

If the member is serious about seeking further information he should put it on notice. I do not know of other vacancies for senior positions at the museum.

Hon Peter Foss: I referred to the Art Gallery of Western Australia, not the Museum.

Hon KAY HALLAHAN: John Stringer, a curator of international standing, recently gave notice from the Art Gallery. I understand he has left and is travelling overseas. I am therefore presuming that his termination has come to pass. He has another position, fortunately, here in Western Australia. Again, the question is so broad that if Hon Peter Foss wants information he should put the question on notice.

**UNIVERSITY OF NOTRE DAME AUSTRALIA PROPOSAL - GOVERNMENT  
GUARANTEE**

*Cabinet Discussions - Minister's Involvement*

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

I refer the Attorney General to the Public Accounts and Expenditure Review Committee's report on the University of Notre Dame issue which states on page 92 - it is a minute from the Deputy Premier to the Premier in Cabinet -

There has been discussion on including provisions for a Government guarantee in the Bill.

That is, the Notre Dame Bill. To continue -

This was decided against in informal discussions between Ministers in the interests of expediting the passage of the legislation through the Parliament.

- (1) Was the Attorney one of the Ministers involved in the informal discussions?
- (2) If he was, why was it considered necessary to remove any reference to a guarantee in order to expedite the matter through the Parliament?

Hon J.M. BERINSON replied:

(1)-(2)

I would have thought that members opposite would by now know and accept that Cabinet discussions are confidential, and that remains the position in spite of the fact that Cabinet documents have been made available to the committee. If I remember correctly, this question is also touched upon in a question on notice and, again, I will look at it. In terms of detailing Cabinet considerations by way of responses to questions, I simply remind the member that that has never been accepted and I am certainly not going to create a precedent now.

**MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT - STATE  
GOVERNMENT INSURANCE COMMISSION**

*Actuarial Report Tabling - Premiums, Recommended Scales*

507. Hon GEORGE CASH to the Leader of the House representing the Minister for Microeconomic Reform:

Some notice of my question has been given.

- (1) Will the Minister table the actuarial report for each of the past three years which are required to be procured and considered by the State Government Insurance Commission under section 3T of the Motor Vehicle (Third Party Insurance) Act?
- (2) Was the Minister furnished with a copy of the actuarial report for each of the last three years, and if not, for which years did he receive actuarial reports?
- (3) Did the Minister approve, or refuse to approve, the recommended scales of premiums submitted under section 3 of the Act?
- (4) Did the Minister invite the commission to review all or any of its recommendations on the recommended scales of premiums?
- (5) Did the commission review any of its recommended scales of premiums and submit such further recommendations to the Minister, and if so, for what years?
- (6) At any time during the past three years did the commission recommend scales of premiums which were higher than those subsequently approved by the Minister, and if so, will the Minister provide details of the recommended premiums and subsequent approved premiums?

- (7) Given the actuarial report for the past financial year and the recommendation to increase premiums, how can the Minister justify his recent statement in which it was claimed there would be no increase in third party insurance premiums this financial year?

Hon J.M. BERINSON replied:

(1)-(7)

I acknowledge that the Leader of the Opposition provided advance notice of this question. However, I believe there may be some misunderstanding between us. I was under the impression that the question would not be pursued by him today because of the inability of the Minister to provide a response in time. In fact, the advice from the Minister, which I can refer to now, does not take the position any further than I have indicated. The Minister for Microeconomic Reform has provided the following reply -

I thank the member for some notice of the question. However, in the interests of providing the member with a detailed answer to his question and in view of the fact that the information is contained on various files in different offices, there has not been sufficient time to provide a response.

In these circumstances I suggest that it would be preferable for the Leader of the Opposition to put the question on notice.

**TAFE - SOUTH WEST REGIONAL COLLEGE, BUNBURY**

*Capital Works Program Library Extensions Funds - Transfer to Promotional Campaign Budget*

508. Hon TOM STEPHENS to the Minister for Training:

Will the Minister advise the House whether it is correct that the Government has transferred funds from a capital works program dedicated for library extensions and such projects to a community relations promotional budget as alleged by Hon Barry House?

Hon KAY HALLAHAN replied:

I thank the member for bringing this matter to the attention of the House following the allegation by Hon Barry House yesterday. It appears Hon Barry House is not prepared to accept the point of view I put to him. However, having had the matter investigated, it is clear that the \$170 000 that will be expended on the TAFE promotional campaign comes from the community relations budget of the Department of Employment, Vocational Education and Training. The funds have not been taken from the allocation to the capital works program for the South West Regional College of TAFE. I thought it was rather curious that the member would think that was possible and today I am confirming that the member's allegation was incorrect.

Hon Barry House: Tell the people at the college that their money is intact.

Hon KAY HALLAHAN: It might be intact, but whether an allocation was made for the library extension is another matter.

Hon Barry House: It is money they set aside in their own budget.

Hon KAY HALLAHAN: If the member wants me to follow this matter up I suggest that he tell me what he wants to know. He should put a question on notice. I am telling the House today that the promotional campaign of TAFE is one we endorse and there has been positive feedback from it. Prominent people in the community have assisted and I refer to Mr Trevor Eastwood, the chairman of the board of *The West Australian* newspaper, Mike Ellis, the captain of the Wildcats, Ellie Wood, who is a designer graduate of TAFE, Fiona Stanley and Warwick Lavis; all have worked alongside people who are graduates of TAFE. Warwick from the Matilda Bay Restaurant is a TAFE graduate and employs a number of TAFE graduates.

The PRESIDENT: Order! Does the Minister remember what I said about Ministers



and answers to questions? I said I would not tolerate Ministers going on about things that did not pertain to the question. Perhaps members would be delighted if the Minister would indicate to which part of the question the information she is giving relates.

Hon KAY HALLAHAN: My answer relates to the community promotional campaign of TAFE, which does not include the \$170 000 which Hon Barry House thinks was whipped off the Bunbury TAFE and put into the promotion of TAFE Statewide. No such thing occurred.

**ROCK LOBSTER INDUSTRY - NEW MANAGEMENT PLANS**  
*Industry Recommendations and Scientific Evidence Tabling*

509. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

Some notice of this question has been given.

- (1) Will the Minister table the recommendations of the Rock Lobster Industry Advisory Committee and the advice received from the Western Australian Fishing Industry Council, together with the recommendations and scientific evidence provided by his department to justify his decisions announced today concerning the management of the rock lobster industry?
- (2) Why did the Minister decide to impose on the rock lobster industry his own guidelines, which are not supported by scientific evidence?

Hon MARK NEVILL replied:

(1)-(2)

The Minister for Fisheries has provided the following response: The issues involved are being examined and the member will be further advised in writing.

**STATE EMERGENCY SERVICE - EXPENDITURE DISCREPANCY**

510. Hon GEORGE CASH to the Minister for Police:

Some notice of my question has been given. As the actual amount of expenditure in 1990 for the State Emergency Service is stated in the Police Department's annual report for 1990 as \$1 210 359, will the Minister advise why the figure of the actual expenditure in 1990 is stated as \$2 712 614 in the Police Department's annual report for 1991?

Hon GRAHAM EDWARDS replied:

I understood that the question had been put on notice.

Hon George Cash: Our system is breaking down. I will ask you this question in the Estimates Committee in a few weeks.

Hon GRAHAM EDWARDS: I suggest to the Leader of the Opposition that he put the question on notice. Before Parliament resumes after the forthcoming recess I think we should get together and organise a system which does not break down. I endeavour to get information for members when prior notice of a question is given.

Hon George Cash: I cannot give much more notice than two weeks.

**FISHERIES, DEPARTMENT OF - ESPERANCE**  
*Officers' Employment and Transfer Concern*

511. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) How many fisheries officers are stationed at Esperance?
- (2) What are their duties?
- (3) Is the Minister aware of concerns expressed by a considerable number of Esperance fishermen that an officer is to be transferred?
- (4) Is there an intention to transfer any fisheries officer from Esperance and, if so, for what reasons?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) Two.
- (2) Enforcing the provisions of State and Commonwealth fisheries legislation and liaising with the fishing industry, members of the public and other Government agencies.
- (3) Yes.
- (4) Yes. Both officers are State employed and as such are subject to transfer at departmental convenience. The officer on notice of transfer has been stationed in Esperance for some seven years. This officer has been disadvantaged by working in relative isolation for that time and for his future development it is proposed to transfer him to the metropolitan area. This will provide the officer with the opportunity to access training that will develop the higher level of enforcement skills necessary to deal with increasingly more complex investigations.

**POLICE - WONGAN HILLS STATION**  
*Current Establishment*

512. Hon GEORGE CASH to the Minister for Police:

Some notice has been given of this question.

- (1) What is the current establishment of the Wongan Hills Police Station?
- (2) When was this establishment last reviewed?
- (3) Is it intended to increase the number of police officers at the station in the next 12 months?
- (4) Does the current Budget provide for any capital work at the station in the coming year and, if so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

(1)-(4)

This question also is on notice. I suggest to the Leader of the Opposition that we need to get together to sort out the system he is using and to which I am responding. I understand that the Leader of the Opposition has put questions on notice about which he gave notice on a day prior to the middle of September. He has not yet asked those questions, to which I have answers. I have endeavoured to get that sort of information for the Leader of the Opposition and then he has not asked the question. The system is breaking down so I suggest the member ask the questions I expect him to ask.

Hon George Cash: I am asking the questions.

Hon GRAHAM EDWARDS: When prior notice is given I need the questions to be asked to respond. It will take only five minutes to sort this out.

**POLICE - WONGAN HILLS STATION**  
*Officer Replacement*

513. Hon GEORGE CASH to the Minister for Police:

With reference to the Wongan Hills Police Station the Minister will be aware that the traffic officer previously stationed there has been transferred to the Merredin Police Station. The Minister will further recall that earlier this year when in Wongan Hills he gave a commitment that a general duties officer would be sent to Wongan Hills to replace the traffic officer who had been transferred.

- (1) Why has that replacement not been sent to the Wongan Hills Police Station?

(2) When is it likely that an officer will be available to go to the station?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I have never spoken to Hon George Cash in Wongan Hills or given him a commitment on this matter.

Hon George Cash: The Minister did not speak to me; he spoke to townspeople.

Hon GRAHAM EDWARDS: Instead of putting words in my mouth and making statements about things he knows nothing about, the Leader of the Opposition should first check his facts.

Hon George Cash: I was in Wongan Hills last Friday and was told about the commitments the Minister had given.

Hon GRAHAM EDWARDS: I am not surprised that the Leader of the Opposition is touchy about this matter. He gets found out so often he must be becoming sensitive. I suggest he leave the asking of questions to the junior shadow Minister alongside him who is doing a far better job than he is. In the meantime, I suggest he put that question on notice.

*Tabling of Documents*

Hon GEORGE CASH: I seek leave to table the letters I referred to during question time which were to Mr Berinson in his previous capacity as Minister for Budget Management and the photocopies of Cabinet summary sheets, submissions to Cabinet and associated correspondence concerning the University of Notre Dame Australia.

Hon TOM STEPHENS: In order to ascertain the facts, I as a member of the House would not want to grant leave unless the member indicated the source of his documents.

The PRESIDENT: Order! That is not a question.

Leave granted.

[See paper No 424.]

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