

Legislative Assembly

Wednesday, 11 April 1984

The SPEAKER (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

PORNOGRAPHY AND VIOLENCE

Video Films: Petition

MR COYNE (Murchison-Eyre) [2.17 p.m.]: I have a petition to present which reads as follows—

TO:

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

We, the undersigned plead that because it will cause serious harm to the community the Parliament will not legalise the sale, hire or supply of any video tape, video disc, slide or any other recording from a visual image which can be produced, which portrays scenes of explicit sexual relations showing genitalia detail; acts of violence and sex; sexual perversion such as sodomy; mutilation; child pornography; coprophilia; bestiality or the use and effect of illicit drug taking.

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

The petition bears 228 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 83.)

PORNOGRAPHY AND VIOLENCE

Video Films: Petition

MR GRAYDEN (South Perth) [2.18 p.m.]: I have a petition which is worded similarly to the previous one and contains 19 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 84.)

ROAD TRAFFIC AMENDMENT BILL 1984

Standing Orders Suspension

MR STEPHENS (Stirling) [2.19 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as is necessary to enable a Bill for "An Act to amend section 5 of the Road Traffic Act 1974-82" to be introduced without notice and to pass through all its stages in one sitting.

The SPEAKER: I point out at this time that to be passed the motion requires an absolute majority of the members of the House.

Mr STEPHENS: Members would be aware that a move was made last session to amend the Road Traffic Act to give legal recognition to fire fighting units trailed behind tractors. Unfortunately that was defeated, but since that time the Government has been considering taking action to overcome the problem. I accept that, but the Government has taken a tremendous amount of time to reach a decision. In the meantime several bushfires have occurred within my electorate and no doubt in other parts of the State. Firefighting units have gone to these fires and on one occasion on 10 January 1984 over 100 units attended a fire. Fortunately we were able to suppress the fire quickly.

However, not one of those units was there legally, yet the police took no action to prosecute the owners of those units. But that is just part of the story. A prosecution and fine could be very minimal compared with the cost that might be incurred by a farmer if he were to be involved in an accident when towing one of these units and was taken to court and sued for damages.

Mr Bertram: Were the police present?

Mr STEPHENS: Yes, and they actually told the people that they did not intend to take action. The units were there and they were obviously not seriously threatening road safety, because the police took no action.

In my electorate a fire between Mt. Barker and Denmark has been raging since last Saturday and farmers in the area have been fighting that fire, in some cases for 24 hours at a time without sleep. At one o'clock this afternoon I was informed that over 40 units were involved in combating that fire. Not one of them is there legally. If any one of them were to be involved in an accident, the farmer would risk litigation and possible damages against him and these damages could cost the farmer his farm.

What are they doing at the moment? This fire is largely in a reserve, and they are protecting the

property of the State—our property. It is incumbent upon this Parliament to take immediate action to give these people the protection to which they are entitled. After all, they are fighting a fire which is threatening State property, and they are putting their lives at risk. Why should they be put in a position where their properties are put at risk because this Parliament fails to take action?

I urge members to support this motion to suspend Standing Orders so that we can put through Parliament a Bill which will provide temporary relief and protection for them. It will also ensure that relief and protection are provided should any other fires occur during the fire risk period. This would provide coverage to the fire fighters while the Government is making a decision for their full-time protection.

I appreciate that it is not competent for me to outline the details of the Bill at this stage, but I assure the Government and its members that the Bill will provide temporary protection. I urge the Government to support me in this move, and enable this Bill to be introduced, debated, and passed so that the people who are protecting the assets of this State might have the protection to which they are justly entitled, protection which only this Parliament can give them.

MR CARR (Geraldton—Minister for Police and Emergency Services) [2.24 p.m.]: I understand the concern felt by the member for Stirling and I appreciate his bringing the matter before the House at this time. It is a serious matter, and is one which has been of concern to many members of this Parliament and many people throughout the State for some time. It is an issue which has attracted the community's attention for a long time. The member for Stirling has been very much in the forefront of this issue, and has raised it on many occasions in the past.

Last year when we were discussing this matter, I said that the member for Stirling had raised the problem with me a great number of times, and I acknowledge the fact that he has been seeking a solution to the problem. However, the Government is not able to agree to the suspension of Standing Orders at this time. I say this with some misgivings, because this problem is serious.

The main reason the Government is not prepared to suspend Standing Orders is that it is very close to a considered conclusion to this problem. I mentioned earlier that the matter had been under consideration for a number of years, just as it has been before this Government for its 14 months in office. It was brought to the attention of the previous Government also. I am not critical of the Opposition when I say that its members were not

able to solve the problem when they were in Government, because the simple reality is that the problem is difficult and complex, and is hard to resolve.

A number of ideas have been considered over the years and the member for Stirling in this House last year raised one possible solution in the form of a Bill. Since that time, further consideration has been given to the matter within the Police Department and that consideration has included discussions between officers of the department and the member for Stirling. Various options have been canvassed.

The matter has been considered at the last two meetings of the traffic branch when various options were considered. The Traffic Branch of the Police Department is the body responsible for making recommendations to the Government concerning changes to the laws or regulations relating to traffic matters. It is a difficult issue and the Traffic Board has attempted to find a solution at its meetings, without success.

The comments of the member for Stirling are perfectly reasonable from the point of view of farmers and others who wish to defend their properties, but Government has a responsibility also to look at the safety issue on the roads.

Mr Stephens: The police must have known about the use of vehicles on the roads during the Gnowangerup fire, and as it turned out not one charge was laid.

Mr CARR: The police endeavour, as far as possible, to find a solution to such problems concerning safety. The safety situation may have been overlooked. There are also third party considerations and there may be some legal doubt as to the coverage of property under a third party situation.

Mr Stephens: The Bill I want to introduce will cover third party insurance.

Mr CARR: I think it may help members to understand the issue before the House if I make available to members a number of photos of these vehicles. I am not providing these photos in an attempt to make any particular point about whether the vehicles are safe, but merely to assist some members who may not be aware of the types of vehicles being used.

Mr Speaker, I ask that these photos be placed on the Table of the House for the remainder of today's sitting.

(The photographs were tabled for the information of members.)

Mr CARR: The Traffic Board considered this problem at its last two meetings and the next

meeting is to be held on Tuesday, 17 April. I have made it clear to the Commissioner of Police, who is the chairman of the board, that I want a solution to the problem to be arrived at by the next meeting of the Traffic Board.

Last night in the House, I indicated that information to the member for Stirling. I have seen the draft recommendations which have been prepared within the Police Department and which will be put before the Traffic Board at its next meeting. It is my view that the recommendations will go a long way towards solving the problem.

As far as I see the situation, it is likely that the proposals which will go before the Traffic Board next Tuesday will probably provide a better solution to the problem than that put forward by the member for Stirling. I am quite optimistic that a decision will be made to recommend a proposal to me, and that the particular draft proposal I saw today will be adopted by the Traffic Board. It is obviously improper for me to pre-empt that decision by giving details because it is the board's role to discuss the situation, and it will do that on Tuesday.

On the question of urgency, I point out that the member has based his motion on a particular fire burning at present in the Shires of Albany, Plantagenet, and Denmark. It is not quite true to say that the fire has been raging since Saturday. My understanding is that the fire is pretty much under control; it has been burning in virgin bush and very little damage has been done to pasture. A person from my office had discussions today with the Bush Fires Board and our understanding is that the fire is reasonably well contained, firebreaks have been cut, and there are only a few outbreaks. An officer in my office discussed the matter with the weather bureau which informs me there is a likelihood of some thunderstorms today and south-east winds tomorrow which will bring drizzle to the area, so the immediate urgency is perhaps not as great as that indicated by the member for Stirling.

I acknowledge the possibility of a dangerous situation arising, but we have been in the same situation for a great number of years, during which time we have been attempting to find a solution to the problem. The other reason for our not agreeing to an urgency debate is that this Government will not be stampeded into making an *ad hoc* decision on a road safety issue. A lot of consideration has gone into this matter and we are close to a solution. It would not be appropriate to jump in with an *ad hoc* approach at this stage. Commonsense clearly has prevailed in the past and police officers rightly have exercised discretion. I anticipate that the type of commonsense

shown in the past will continue to be shown during the very short time which remains before this matter is dealt with and put right in an appropriate manner.

I am unable to agree to the suspension of Standing Orders.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [2.32 p.m.]: I support the motion moved by the member for Stirling to suspend Standing Orders to allow his Bill to be debated. Only time will tell whether we would then support the Bill. The Opposition parties believe that the issue is such that it warrants a debate at this stage. The member for Katanning-Roe, the member for Stirling, and many others have taken up this issue for quite some time. I am also aware the Minister has advised the member for Katanning-Roe that the issue will be discussed by the Traffic Board on 17 April.

To that extent we believe a debate today could give the board some guidance as to the attitude it might take, even if the House did not agree to the Bill. The Government has nothing to lose by allowing debate to take place. It has the numbers and it could defeat the Bill if that were its desire, but the debate would provide some guidance to the board. We sincerely hope the Minister goes further than a long way towards solving the problem on 17 April. We hope he goes all the way, and for that reason we support the motion.

MR WATT (Albany) [2.34 p.m.]: I support this motion. I share the concern of the member for Stirling about some things that have been happening in and around the Albany region. Many people are very worried about the situation. Although the fire is not in my electorate, many of the people involved in fighting it are known to me personally and have discussed their problems with me. This issue clearly demonstrates the adage that the wheels of progress grind exceedingly slowly. The Minister for Police and Emergency Services will remember that I discussed this matter with him personally after the last debate. Unfortunately, when the member for Stirling introduced his previous Bill, I was away at a Commonwealth Parliamentary Association conference and was not able to participate. I have read the *Hansard* report of that debate, I have been made aware of the current situation, and I believe the least we can do is to debate this matter.

Recently, the Minister for Police and Emergency Services was quoted in the local Albany newspaper on another matter as saying the previous Government had turned a blind eye to that matter. This is the Minister's opportunity to show

he and his Government are not turning a blind eye to this matter. If they want to be fair, the least they can do is to allow the motion for the introduction of the Bill to be passed so that the matter can be aired as the Deputy Leader of the Opposition has said, and we can have a frank debate. It is not acceptable for the Minister to say a solution may be reached next Tuesday or some time soon after that. The people who are putting their futures, farms, and livelihoods at risk by carrying out these illegal acts to save the property and lives of other people deserve some consideration by this Parliament. This issue could one day be on our consciences if something dreadful happens in the next day or two, or longer if we procrastinate.

MR COWAN (Merredin) [2.37 p.m.]: The National Party is very disappointed that the Government has chosen to adopt the attitude outlined by the Minister. This is a matter of some urgency. I wonder what the Minister for Police and Emergency Services will do now he has decided no protection will be afforded to those people who have been given the sanction of the Police Department to take an unlicensed trailer along a road to fight a fire to protect persons and property. The Minister has made no comment about the protection which ought to be given to those people. The police may turn a blind eye, but if an accident occurs and those people who are doing something in the interests of protecting property are not covered, they could well face civil litigation or have a complaint against them brought before the court and be sued for damages. Those people have been given no cover, yet the police are prepared to allow those vehicles to travel on the roads.

There are many anomalies in this situation and we believe perhaps the biggest—and it relates somewhat to the photographs the Minister laid on the Table of the House—is that most of the implements in the photographs are multi-purpose units. When these units are used as agricultural implements, it is perfectly legal for them to be taken on the road. If they are used as fire fighting trailers, one cannot take them on the road legally. We, too, have some photographs, and with the permission of the House I would like to lay them on the table. They are photographs of an identical unit set up as a boom spray with a width of 2.8 metres which can be towed legally on the road by a tractor. That is covered by the licence of the towing vehicle.

The same trailer with the boom spray equipment taken off and with just a tank and pump is a firefighting trailer only 2.3 metres wide, but it is not legal to tow it on the road behind a tractor.

That indicates how ludicrous the situation is. It has taken this Government at least six months to get close to a decision on this matter. If I understand the Minister correctly, he is saying a decision will be made perhaps on 17 April. He did not say that any decision made by him, by Cabinet, or by the board will require legislative procedures which will create a further delay. We would be fortunate if protection was afforded to those people before next summer, instead of now in this particularly urgent period.

It is a very urgent situation, which can best be summed up by a letter written only recently by Mr W. T. Frost, who is the President of the Shire of Plantagenet. I quote the letter as follows—

With the continuing procrastination of Parliament on farm fire-fighting trailer legislation, it was a pity that it was not physically possible to transport Parliament House briefly to Albany Highway, south of Mount Barker, on January 10 when, in 40deg temperatures and searing winds, fire started on a kilometre front in a 10-year-old unburnt Main Roads Department road reservation.

That the whole district for many kilometres was not ravaged is another credit to the local bushfire brigades which were put on the alert by radio network and regional stations.

With more than 100 fire-trailer units in attendance, some from as far afield as Many Peaks, King River and Mt Barker and virtually all on the road illegally, one wonders what Parliament's reaction would be if one was involved in a major traffic accident.

My guess is nothing other than to let the law take its course.

No farmer should be expected to carry such a risk, and the time is long overdue for legislative action to protect those who are prepared to voluntarily protect others.

It is now no longer sufficient for the police just to turn a blind eye to the carriage of those particular trailers along a main road or a public highway; something more is necessary. If the police are turning a blind eye, the fact remains that these particular individuals who take that risk are liable to be sued for any damages incurred as a result of a collision or something of that nature.

Several members interjected.

Mr COWAN: They are not legally entitled to be on the road. It would be difficult for any person to defend himself adequately in a court of law if it could be shown that the implement was not

allowed to be on the road. The member has a better idea of the law than I have.

Several members interjected.

MR COWAN: In conclusion, I indicate that the Minister said that the Government would be rushed into making *ad hoc* decisions. What we are asking for is a temporary measure. The Minister has a copy of the legislation my colleague the member for Stirling wanted to introduce. He knows it is a temporary measure which could be applied quickly and then withdrawn. It would be done at the discretion of the Minister and of the Government itself. I do not see that the Government can claim that it is being rushed into some *ad hoc* measure. What the Government fails to acknowledge and what it should acknowledge is that it has been very tardy in making a simple decision. What has taken this Government six months to come to a conclusion on, the member for Stirling, in conjunction with the Parliamentary Draftsman, was able to produce in the space of two hours as an amendment to existing legislation. I am quite certain that if that amendment were examined, it would be found that it would do everything the Government wants it to do, or it would have the same effect.

The fact remains that these people who voluntarily place themselves at risk with the sanction of the police are not being given any protection by this Parliament. The Minister should hold himself responsible if something happens in the future.

Question put and a division taken with the following result—

Ayes 20

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr McNee
Mr Court	Mr Mensaros
Mr Cowan	Mr Spriggs
Mr Coyne	Mr Stephens
Mr Crane	Mr Thompson
Dr Dadour	Mr Trethowan
Mr Grayden	Mr Tubby
Mr Hassell	Mr Watt
Mr Laurance	Mr Williams

(Teller)

Noes 25

Mr Barnett	Mr Melver
Mr Bateman	Mr Pearce
Mrs Beggs	Mr Read
Mr Bertram	Mr D. L. Smith
Mr Bridge	Mr P. J. Smith
Mr Bryce	Mr A. D. Taylor
Mrs Buchanan	Mr I. F. Taylor
Mr Brian Burke	Mr Tonkin
Mr Terry Burke	Mr Troy
Mr Carr	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Burkett
Mr Jamieson	

(Teller)

Pairs

Ayes	Noes
Mr Old	Mr Hodge
Mr Bradshaw	Mr Gordon Hill
Mr O'Connor	Mr Evans
Mr Peter Jones	Mr Davies
Mr Rushton	Mr Parker

Question thus negatived.

Motion defeated.

ADOPTION OF CHILDREN AMENDMENT BILL 1984: SELECT COMMITTEE

Membership: Motion

MR TONKIN (Morley-Swan—Leader of the House) [2.48 p.m.]: I move—

That the Leader of the Opposition be discharged from service on the Select Committee into the Adoption of Children Amendment Bill 1983, and that the member for Darling Range, Mr G. C. Spriggs, be appointed in his place.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.49 p.m.]: I thank the Leader of the House for moving this motion. It will be recalled that as a result of a move by the Opposition when amendments were proposed to the Adoption of Children Act, the Government agreed to the establishment of the Select Committee, the membership of which is now under discussion.

The response to the establishment of that Select Committee was very substantial and resulted in a need for a considerable amount of work by the committee to receive and take evidence from many witnesses. Personally I was inundated with direct contact and mail and was given evidence of many concerns in the community about adoption and the processes being followed by the Department for Community Welfare in dealing with adoption. However, that was not strictly within the terms of reference of the Select Committee.

When I became Leader of the Opposition it was clearly and immediately apparent to me that I could not continue as a member of the Select Committee and I immediately contacted the chairman of the committee (the member for Rockingham) and explained the position to him. The other member from this side of the House, the member for Murray-Wellington, continued with the work required to be done.

I wrote to the member for Rockingham, as Chairman of the Select Committee, and explained both the circumstances and my need to withdraw from the work of the committee and the view which I had formed at that stage of the desirable overall outcome of the work of the committee.

I appreciate the understanding of the members of the committee of the position in which I found myself. The committee is very important and its work will need to be extended on a much broader front. However, it is not for me or the House to prejudice its recommendations to the House.

I simply wanted to record that my necessary withdrawal from the committee in no way indicates any view of mine that the work of the committee is not very important and hopefully is not work which will ever be approached in a partisan political way, because the evidence which has come forward from people is such as requires a very high level of understanding and compassionate consideration rising above any immediate party-political point of view.

There is no question that the issues the committee has to confront now and which it will need to confront in the future in a broader way are issues which touch, in the same way, people from all strata of society and from all political persuasions.

I am delighted that the member for Darling Range agreed to be the replacement nominee of the Opposition on the committee to bring it back to its full strength and I have no shadow of doubt that that member will approach the matter with the understanding which his age and experience have brought to him and also which his past work in the community has given him.

Therefore, I support the motion at the same time as I record these brief thoughts as to the committee and its future.

Question put and passed.

BILLS (2): INTRODUCTION AND FIRST READING

1. Museum Amendment Bill 1984.

Bill introduced, on motion by Mr Tonkin (Leader of the House), and read a first time.

2. Public Meetings and Processions Bill 1984.

Bill introduced, on motion by Mr Carr (Minister for Police and Emergency Services), and read a first time.

VALUATION OF LAND AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Grill (Minister for Transport), read a first time.

WATER AUTHORITY BILL

In Committee

Resumed from 10 April. The Chairman of Committees (Mr Barnett) in the Chair; Mr Tonkin (Minister for Water Resources) in charge of the Bill.

Clause 4: Appointed days, in relation to statutory authorities—

Progress was reported on the clause after the member for Floreat (Mr Mensaros) had moved the following amendment—

Page 5, line 16—Delete the word “effect” with a view to substituting the following—

effect, but where that statutory authority is a water board constituted under Part II of the Water Boards Act 1904 or under section 13 of the Country Areas Water Supply Act 1947, an Order shall not be made under this subsection unless that water board has requested that such an Order be made or unless the approval of both Houses of Parliament has been first obtained.

Mr MENSAROS: I can only emphasise the importance of the amendment to country areas. During the second reading debate, I indicated that the Bill gives the Minister discretionary power, through the machinery of the Governor's decision in Executive Council, to absorb the remaining three water boards at any time he wishes. The Minister does not have to give notice of such action; he does not have to give any reason for it; he can simply do that by an administrative action.

As I recall the position, instead of replying to what I said, the Minister played on the fact that I wanted to diminish the authority of or respect for the Governor. I respect the Governor and such a situation would be the furthest from my mind. The Minister took a wrong approach in that respect, because he knows, or he ought to know, as well as any other member—at least those members who have been in the Executive—that, within the Constitution, the Governor does what the Government of the day recommends him to do.

The Minister's suggestion that I had any disrespect for a proposal towards the Governor was absolutely wrong. I want to emphasise this because the Bill really says that the Minister has a discretionary power. The way he should exercise his power is to put an Executive Council minute in front of the Premier and if the Premier agrees to it at the next Executive Council meeting that matter should be resolved in the positive. I wonder whether the Minister can tell me of any case where the Governor has rejected an Executive

Council minute which was put to him by the elected Government of the day. He should not do so and I do not think he ever would. My intention in speaking again to the clause is to emphasise the importance of the amendment which, of course, takes this issue right away from the Minister and places it in the hands of the elected Houses of Parliament. I cannot see anything to be afraid of in allowing Parliament to decide such an action which would spell the end of any of these remaining three water boards. Despite the fact that the Minister very gallantly wants to protect his colleagues—on the one hand, he tells them not to say a word and, on the other hand, he protects them—I am pretty sure that the Minister and his colleagues, the member for Bunbury and the member for Mitchell, had a different explanation for the Bunbury Water Board or the Harvey Water Board about what would happen. They would not have explained it in the fashion in which the Minister has explained it to the Committee now; that is, that it is right and proper, that, without any explanation, without any reason being given, and without any advance warning perhaps in the *Government Gazette* or anywhere else so that people may make objections, but merely as a result of an Executive Council minute, he can decide the matter which will be known only when the Executive Council decides it following the Minister's submission.

When we were in Government, we did not make any statements before the Governor agreed to and signed the minute. I note that this Government does that which is a discourtesy to the Governor. It would be well known after the Minister makes his statement after the Governor has signed it, or when it appears in the *Government Gazette*, when the people would learn of it. They would have no recourse or means of arguing against it or doing anything previously. On the other hand, if the Bill is amended as incorporated in this amendment it is common knowledge that Parliament will discuss a measure in full before us and in public. Parliament, after all, is a public place and the water boards, the ratepayers, the local community, and everybody else would know what was to happen and they could exert their influence on their respective members, our friends, the member for Bunbury and the member for Mitchell, and they in turn, I think, being conscientious members, would try to exert their influence on the Minister.

That is the purpose of the amendment which I again urge the Committee to accept.

Mr BLAIKIE: I also want to make some further remarks on the amendment moved by my colleague, the member for Floreat.

The CHAIRMAN: Order! I point out that up to this stage I have tended to be relatively lenient with this amendment, which is to delete the word "effect". The member for Vasse would be aware that if the amendment is successful, he will have an opportunity to talk along the lines he did last night about the subsequent amendment which will be moved by the member for Floreat. I did allow both the member for Floreat and the member for Vasse what I thought was ample time to talk along the lines of the amendment which may be introduced if this one is successful. At this stage, I am not intending to take any action which will be designed to stop less debate on this matter; I just want the member to be aware that some leniency has already been extended, so I hope he will not take advantage of that.

Mr BLAIKIE: Yes, Mr Chairman. In the first instance, having spoken to this amendment last night, I had hoped that with a good night's sleep, a clear head, and the light of a new day, the Minister would have taken new heart—

Mr Tonkin: How do you know I had a good night's sleep?

Mr BLAIKIE: —and seen the light of day and certainly the reasoning behind the amendment moved by the member for Floreat. If I were to follow the Chairman's ruling, I would have to phrase my speech differently and be obliged to speak simply on the removal of the word "effect". As the Leader of the House would understand, we would finish up having a meaningless debate.

Mr Tonkin: So what is new?

Mr Carr: What is unusual about that?

Mr BLAIKIE: I take the direction you have given me, Mr Chairman, but I also recognise the difficulties I experienced when in the Chair. There does need to be a degree of discretion and I thank you for the discretion you have shown in the past and I am certainly looking forward to it again in the next three or four minutes while I summarise my argument.

The member for Floreat has moved to delete the word "effect" for the purpose of substituting further words. The clause currently under discussion is clause 4, which sets out that by Order-in-Council the Governor will have the right to transfer the functions of a statutory authority to the water board. When we talk about the statutory authority for the purpose of the argument currently before the Committee, we are talking of the water boards of Harvey, Bunbury, and Busselton and how by Order-in-Council the Governor can transfer those authorities and the functions they have been undertaking straight over to the water authority. That action will not be subject to argu-

ment, debate, or further consideration. The point is, that it shall take effect. We are arguing that the word "effect" should be withdrawn and that other words should be substituted to make this clause far more meaningful, so that it protects those water boards I have mentioned.

We have asked the Minister to reconsider his position and we on this side of the Committee believe it is not a political exercise, but one of giving these water authorities at least some degree of autonomy, and giving them an opportunity for this takeover to be effected by this request. What we propose is that they be able to make that request or, that in the event of their not making that request, that the Governor by Order-in-Council be able to effect that takeover. We are asking for Parliament to decide, so that at least there would be an umpire to ensure that fair play continues and that at least those bodies have a fair go. With this clause currently before the Committee, they will not have a fair go.

Mr Tonkin: They will while this Government is in office. We have already demonstrated that.

Mr BLAIKIE: It is all very well for the Minister to say that, but, as I said last night, the Minister has shown a remarkable change of attitude in nine months. If he retained the attitude he had nine months previously, the water boards would not have any hope, because he was so hell-bent on taking them over.

Mr Tonkin: It shows you how I am susceptible to reasonable argument.

Mr BLAIKIE: The Minister has mellowed, and I had hoped that in the light of day and after a good night's sleep, the Minister would have mellowed more and seen the argument that the Opposition is putting forward to the Government, because he will not always be a "reasonable Minister" as he is presenting himself to the Committee at the present time.

There are a number of reasons that the word "effect" should not be included in the clause and be left in the hands of the Government by Order-in-Council. As the member for Floreat has already outlined, an Order-in-Council is a request by the Minister. It is approved by the Executive Council, and the Governor would, I assume, act on that request.

What are the reasons that could be advanced for the Minister's desire to take over those water boards? Why are they a jewel in the Government's eye and why are they an embarrassment to the water authorities? It is because they have performed well and have given the people they service good water at a realistic price. It is my view they should be encouraged to continue to do so.

What the Government is proposing is that the net be drawn around them, the noose be tightened, and their mode of operation be changed because the Government has set down rules which have not previously applied to the water boards. One of the rules that could well be invoked is that the contribution to the State's coffers will be an innovation. Until now, the water boards have not been obliged to make any contribution to the Metropolitan Water Authority, nor do I believe they should have been expected to do so. However, this Minister and this Government have said that the water boards will now make a contribution because paying of revenue into the State's coffers is the only way they will be permitted to continue to exist. We do not know what that level of contribution will be. It could be three per cent or five per cent. It all depends on the whim of the Government of the day. It should be a matter for Parliament to determine whether that percentage was fair and reasonable.

The Government has said that the town of Bunbury can retain its water board providing it is extended to include the area of Gelorup when development makes this desirable. Who will determine when development makes it desirable? Will it be by the whim of the Government or by the whim of the Minister of the day that it be tomorrow or the next day? It could be the straw that breaks the camel's back as far as the Bunbury Water Board is concerned. Those boards should have some opportunity of request in respect of takeover. Alternatively, if the Government makes the going impossible for them, they should at least have the protection of Parliament. The boards should have the opportunity to put their case before Parliament in order that a decision might be made by Parliament as to whether they should be taken over. What happens if the Minister determines that the Busselton Water Board must fluoridate its water?

Mr Tonkin: If they fluoridate? That is the law now.

Mr BLAIKIE: The law is loosely applied.

Mr Tonkin: So you want us to connive with them to break the law, do you? Governments do not have the right to break the law any more than does a citizen.

Mr BLAIKIE: I will take the Minister up on that point. Previous Governments indicated they would like certain water boards to fluoridate their water and the Busselton Water Board was one of them.

Mr Tonkin: They would like the law obeyed.

Mr BLAIKIE: It has always been my view that if the Government wants to implement its policy

on independent statutory bodies, it must pay the cost. Why should the boards pay \$500 000 \$750 000, or \$1 million to implement a Government policy?

Mr Tonkin: Because it is the law.

Mr BLAICKIE: If the Government wants to implement a policy, it should pay for it.

Mr Tonkin: Because it is the law.

Mr BLAICKIE: The Minister could turn around and say to a water board, "If you do not fluoridate your water, we will take the board over tomorrow". Therefore, we end up in a catch 22 situation.

This amendment gives the water boards a fair go. It provides a degree of protection from the Executive, and I believe that all members of this Committee, especially the members from the south-west, including the members for Mitchell and Bunbury, should support the amendment.

Amendment put and division taken with the following result—

Ayes 19

Mr Blaickie
Mr Clarko
Mr Court
Mr Cowan
Mr Coyne
Mr Crane
Mr Grayden
Mr Hassell
Mr Laurance
Mr MacKinnon

Mr McNee
Mr Mensaros
Mr Spriggs
Mr Stephens
Mr Thompson
Mr Trethowan
Mr Tubby
Mr Watt
Mr Williams

(Teller)

Noes 25

Mr Bateman
Mrs Beggs
Mr Bertram
Mr Bridge
Mr Bryce
Mrs Buchanan
Mr Brian Burke
Mr Terry Burke
Mr Carr
Mr Grill
Mrs Henderson
Mr Jamieson
Mr Tom Jones

Mr Melver
Mr Pearce
Mr Read
Mr D. L. Smith
Mr P. J. Smith
Mr A. D. Taylor
Mr I. F. Taylor
Mr Tonkin
Mr Troy
Mrs Watkins
Mr Wilson
Mr Burkett

(Teller)

Pairs

Ayes
Mr Old
Mr Bradshaw
Mr O'Connor
Mr Peter Jones
Mr Rushton

Noes
Mr Hodge
Mr Gordon Hill
Mr Evans
Mr Davies
Mr Parker

Amendment thus negatived.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: The Authority—

Mr MENSAROS: This clause deals with ministerial power and the various directions the Minister can give to the authority. There is nothing

wrong with this. I maintain that, despite the fact that we have an independent authority, the wishes of the Government of the day should prevail as it is a Government-owned authority. Provisions which are included in section 11 (3) of the Metropolitan Water Authority Act have been excluded from this clause which otherwise mirrors that section.

I wonder whether the Minister can give me the reason for its having been left out. It deals with the requirement that although the Minister has the power to direct the board—I emphasise this because the Minister may not have heard that I have no objection—as a self-respecting autonomous authority it should make an official note which should be kept on record if the Minister issues directions contrary to its decisions. That provision was contained in the previous Act so that, if nothing else, the appointed board members could point to the fact that in some cases there had been a difference of opinion. They may have had a more businesslike approach on a certain matter, but the Minister directed them otherwise and that direction is recorded. Therefore, the members could satisfy their consciences. I do not think it was a bad provision as the record will show how often the Minister directed the board in decisions it would not have made itself.

The Minister said that the board and the executive of the authority are fairly flexible. He mentioned its having watched parliamentary debates and observed the attitude and policy of various parties. He said it had changed policy in certain aspects of its own volition, to coincide with the incoming Government's policy. They are not difficult people to deal with, but this is a fairly desirable provision and I would like to hear from the Minister why it was omitted.

Mr TONKIN: This power is very similar to the power in the other Act. It was not my intention to omit the provision; I did not instruct it and I did not pick up the difference. I have not discussed it with the instructing officer, Mr Hillman, who is on leave at the moment. I am happy to discuss this with him at a later stage and look at the possibility of an amendment. I do not think there is a problem in this area; it is quite clear that if a Minister acted in this way, it would be possible to draw attention to that by means of parliamentary questions.

Mr Mensaros: I do not think we are on the same line of thought. Section 11 of the Metropolitan Water Authority Act provides, in relation to these powers which are pretty similar, that if the Minister instructs the board to do something or not to do something, it can make an official note of that instruction which is kept on the record.

That provision has been omitted. Does the Minister mean that the Opposition can ask questions in the Chamber?

Mr TONKIN: I am saying that it is one way in which this situation could be revealed. Of course, there is another way. I presume the member is aware of the close working relationship between the managing director and the Minister. Certainly this is the case with this Minister, and I assume it was the case with my immediate predecessor, the member for Floreat. It is far more likely to work in this way because the authority will not wish to fly in the face of the Government. There is no necessity for a formal instruction, but it will be realised that the Government's policy is such and such and there will be a degree of co-operation between the two. I believe that is a far more realistic way to operate. There is no sinister intention in this omission; I did not instruct the change and I am prepared to discuss it with Mr Hillman on his return.

Clause put and passed.

Clauses 8 to 10 put and passed.

Clause 11: The Board, members and acting members—

Mr MENSAROS: I have a very simple query in connection with subclause (1)(d), to which I have no objection, but I cannot find any indication of what happens to the one person being an employee of the authority if his employment terminates for any reason. Does he remain a member of the board or does he automatically cease to be a member? Quite often with city councils one has the situation where a member of a board ceases to be a councillor, but remains on the board. On the other hand sometimes there is provision that if that person is no longer a councillor, he ceases to be a member of the board. It could be that it is a question of interpretation, and elsewhere it may state that if his employment terminates, he cannot be a member of the board. I suppose the intention is that the person shall be an active employee.

Mr TONKIN: It is a question of basic legal construction and the fact is that it does not read that if a person is an employee and is appointed as a member of the board, when he ceases to be an employee he ceases also to be a member of the board. He has not been appointed because he is an employee and, therefore, his membership of the board will not terminate. A person appointed under clause 11(1)(d) is appointed at the Minister's discretion and not because he is an employee. The clause states that only one of those six persons may be an employee.

Mr Mensaros: It states "shall be".

Mr TONKIN: Yes, but it is not the intention that he must be. It says that "not more than 1 of whom shall be"; in other words, one person may be an employee, but it is not necessary that he is.

Clause put and passed.

Clauses 12 to 17 put and passed.

Clause 18: Delegation, and authorised persons—

Mr MENSAROS: This is a fairly technical query, and I mentioned it during my second reading speech. I realise the Minister did not want to respond to everything.

Why does the wording of this Bill not mention the board as well? The Act always mentions the authority, being the Metropolitan Water Authority, and the board. The board is really the representative of the authority. The authority is a legal personality; but if somebody acts, he acts on the decision of the board, the board having had meetings and made decisions on the policy of the authority.

I cannot understand why this Bill makes no mention, other than in clause 11, of the board.

Mr TONKIN: This is a matter of drafting style. One can speak about a legal entity or the managing body of the legal entity. The government of the authority is in the hands of the board. When it refers to "the authority", it means "done by and on behalf of the board which governs the authority". Whenever a meter reader reads a meter, he is acting as an agent of the authority, which is governed by the board. It is just a matter of drafting style. As the member for Floreat says, the authority is the legal entity.

Clause put and passed.

Clause 19: Exemption from personal liability—

Mr MENSAROS: It is very unusual to indemnify the Minister. In his reply to the second reading debate the Minister responded that this was because we were dealing with a statutory authority. The Minister is not the legal entity on behalf of the Crown as he is in country water matters where a department is involved, and the Minister is the head of that department and therefore can be sued. That was not a satisfactory response because clause 19 lifts the Minister's responsibility.

The Minister can direct the authority, and therefore he must be responsible for it. He can authorise other matters in connection with water resources which will not necessarily be confined to the framework of the water authority of Western Australia.

Under our Westminster parliamentary system, the Minister ought to be responsible, even by way of civil action, as any other Minister is. I empha-

sise that I have not found a single Act of this Parliament in which such an indemnity has been given to a Minister in charge of a Government instrumentality. The time available to me did not allow me to make inquiries to any extent, but I asked some lawyers whom I know, and they could not point me to a precedent.

As the Minister has the services of Government machinery through the Crown Law Department, can he inquire whether there is a precedent for this? The Standing Orders will not allow me to ask a question to this extent, and clearly I do not want to be involved in a situation which could lead to my question being disallowed. However, as the Minister has been in Opposition for a fair amount of time, he will understand that I do not have the facilities to follow up this matter so I cannot state that a provision of this kind is included in any Statute in Western Australia. I cannot recall one with this provision.

Mr TONKIN: I will make inquiries through the resources at our disposal, but I reiterate my firm belief that when a Minister is sued, the Crown is really being sued. In this case, it will not be the Crown because the authority will be a statutory authority and not a Government department. Therefore, the suing should be done against the legal creature which has committed the alleged wrong. If a Minister does things as a body corporate—which I am capable of doing at the moment as the Minister for Water Resources—it is proper to sue that Minister. Here we are speaking of a statutory authority, and the authority should be sued, otherwise its legal existence loses some of its meaning and independence.

The member for Floreat referred to our system of ministerial responsibility. Of course, in a political sense, the Minister is responsible to the Parliament, and that is how the Westminster system works. If the lower House—the House of Government—decides that the Minister is no longer fit to hold office, that House can dismiss him. That is how the Westminster system works. That is political responsibility, and in a sense it is legal and constitutional responsibility, but it is not in relation to civil actions in the courts.

Mr MENSAROS: It is difficult to accept what the Minister says. Having regard to his power to instruct the authority, what recourse is available to any citizen who sues under the civil law if the authority says, in defence, "We wouldn't have done this, but the Minister instructed us, according to the provisions of our Act"? In those circumstances, the Minister ought to be responsible on behalf of the Crown.

I am not suggesting that the Minister should be responsible as a private citizen, but he should be responsible. His responsibility cannot sit behind an authority which cannot be made responsible to the Parliament.

I cannot ask a question of the managing director or the chairman of the authority; I can only ask the Minister. In this respect, I raise another matter that came out of my research into the Bill. I raised it previously during the second reading debate.

As far as I can see, the Bill does not say which Minister will be responsible for the legislation when the Bill is passed. There is a clear understanding that a Minister should be responsible for the MWA Act, but there is no such passage in the Bill—at least I cannot find it.

Mr Tonkin: It does not say which Minister is in charge of the Act?

Mr MENSAROS: Not "which" Minister, but "any" Minister. For several years we have done away with naming the Minister because we have always had the problem of having to change the name of a Minister because of portfolio changes and so on. This has been the case for three or four years. The responsible Minister is gazetted. Perhaps the Minister could research this point and provide a response in another place.

I cannot accept his explanation that he does not need to have responsibility and that the authority should be sued if necessary. The Minister for Transport is not indemnified from the point of view of Westrail; the Minister for Fuel and Energy is not indemnified from the point of view of the SEC. These bodies are equally Government instrumentalities; they are independent, autonomous bodies and they can be sued, as can the Metropolitan Water Authority and the SHC. The Minister for Housing is not indemnified in the relevant Act with respect to the State Housing Commission. This is an unprecedented provision to indemnify the Minister in the normal way as is done for public servants and staff of Government instrumentalities.

Mr TONKIN: We have statutory authority for Ministers to be in charge of various Statutes, and I understand this is decided by Executive Council at various times, particularly when Governments are formed. Statutory authority is given to determine that a certain Minister should be in charge of a certain Act.

Mr Mensaros: But there is no provision to say that the Minister is in charge of the Act, although it is in others.

Mr TONKIN: It is probably considered superfluous because we already have the provision

whereby Ministers are given dominion over certain Statutes.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Regional Advisory Committees—

Mr MENSAROS: I welcome the establishment of regional advisory committees, but I have a query with subclause (3) which provides that the membership shall so far as practicable be selected from among persons resident in the local community. I am not suggesting an amendment, but I make the comment that very often such advisory committees—they have existed on a non-statutory basis—have a need for people to be appointed who are not necessarily resident in an area, but who have an interest in an area. It could be that a market gardener was selected who did not live in an area, but who had a business in it. The subclause might read better if it included the words “a resident or otherwise occupied in the area”.

Mr TONKIN: This would depend on one's definition of “local community”. I do not think we have a problem here and it is merely a matter of how wide we set our net.

We are thinking of these committees for areas such as the Kimberley, and it might be thought that the Kimberley is too large to have just the one and that a couple would be better. We might have one or more for the Pilbara, and so on. I imagine that a person being appointed would be resident in the area, but the clause has the provision “as far as practicable”, so I can imagine that the people in a certain area might say, “We think this person, who happens to live in Perth, is very skilled, has spent a lot of time here, and understands our problems. He continually commutes between Perth and here and he would be a good choice”. That is the reason we have given ourselves this latitude. We will be appointing people who are acceptable to the local community; little point could be found in our doing otherwise.

In my experience, particularly with the Wanneroo groundwater area, where the Minister is responsible for apportioning water to people who apply for it, I can say that I act only after receiving advice from an advisory committee, consisting of representatives of the local community and of the PWD, the MWA, and the Department of Conservation and Environment. The local people on the committee do an excellent job by “selling” the need to conserve water, the need to protect the wetlands, the need to be equitable, and the need to restrict the number of licences and the quantity of water consumed. The committee works well because it is representative of the local

community and includes people of some standing in the local community. I would not envisage appointing a committee that did not have a degree of acceptance. The clause provides us with flexibility so that we can appoint people even though they might not be resident in an area should we feel this to be in the best interests of receiving good advice.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Managing Director of the Authority—

Mr MENSAROS: This clause contains a fairly serious omission. It indicates that because the other Acts are to remain in force for the time being at least, any Act which refers to the managers or whatever officers in the Metropolitan Water Supply, Sewerage, and Drainage Act or the Metropolitan Water Authority Act should be construed to be a reference to the managing director.

That is fair enough, but what about the country water authorities? This has been my point throughout the debate. What about the Acts which will be remaining in force, Acts such as the Country Areas Water Supply Act and the Country Towns Sewerage Act? What will be the situation with them?

Mr Tonkin: There is no managing director.

Mr MENSAROS: There are other people. What about the under secretary? Reference is made to him. When this Bill becomes an Act, we will have no under secretary because the department will have been abolished and all we will have is a building, but we will still have a reference to the under secretary. The clearing bans provisions will still refer to the under secretary. The Country Towns Sewerage Act will still refer to PWD officers.

I do not want to needle the Minister on this point, yet it is a serious matter and one he should query, otherwise a lot of people could get away with a lot of things. We will not have a person who “shall” do certain things, as we find in the Country Areas Water Supply Act.

A person who wants to offend against the clearing ban can, for instance, get away scott free because there is no under secretary. The legal personality of the under secretary is not transferred to the managing director here and therefore an offender cannot possibly be prosecuted. This should be examined and remedied, unless a legal explanation is available.

Mr TONKIN: A very simple explanation is available. The authority, generally speaking, will

not come into existence until 1 July 1985. However, in order to prepare the way, it has been considered desirable before that time to appoint the board, the managing director, and the directors, and to get the corporate executive into such a position that it can start to appoint staff, and so on. As far as the authority is concerned, before 1 July 1985 there will be a managing director. If we did not have this reference, and supposing, for example, we did not appoint Mr Glover as managing director, he would continue as Managing Director of the Metropolitan Water Authority. Who would we be talking about when we made this reference? That clarifies that aspect.

I will now deal with the point the member for Floreat made about the under secretary. The under secretary will continue until 1 July 1985.

Mr Mensaros: What about after that? Can you guarantee that you will have all the legislation?

Mr TONKIN: That is right. This is the first Act we will have. Other amending Bills will be brought into the Parliament during the spring session this year which will deal with other matters. Those other Acts will be amended so that eventually the whole of these relevant Acts, as the Statute will call them, will be administered by the authority, and all that will be done. This is just the first one, and it is necessary because we are now appointing a managing director. If we were appointing an under secretary, we would have to do something about that term because confusion between the two posts could arise.

Clause put and passed.

Clauses 24 to 35 put and passed.

Clause 36: Regulations and by-laws, generally—

Mr MENSAROS: I make a brief comment to which I do not want the Minister to respond. I congratulate the Government that in today's craze of multicultural and ethnic society, the Bill refers to "Such rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act, or under any Act of the Parliament of the Commonwealth or of the Parliament of the United Kingdom;". I am very happy with that.

Mr Tonkin: I am sorry. I missed those words.

Mr MENSAROS: I referred to clause 36(1)(b)(i).

Mr Tonkin: I am sorry. I missed the comments you made.

Mr MENSAROS: I commend the Government that the Act refers to a United Kingdom Act in today's craze of multiculturalism.

Clause put and passed.

Clause 37: Regulations—

Mr MENSAROS: I want to reinforce the comments I made during the second reading stage, which comments were rejected by the Minister. I query this very brief clause which deals with regulatory powers. To my knowledge, it is an absolute precedent and it deals in a very cavalier fashion with regulatory powers. It simply says that regulations may be made for anything which is required, is necessary or is convenient for the purposes of this Act or to facilitate the operation of the authority. Usually, the regulatory powers are enumerated. They are spelt out. Then follows a general clause which does not override the enumerated cases. This clause in this Bill means that really the Government can regulate for just about anything. Surely, if a regulation comes up that every board member, executive, director, or whatever ought to have a chauffer-driven Rolls Royce, that would, in the minds of many people, facilitate the operations of the authority. Can regulations be made for such a thing? It might be used only for the business of the board or authority. That regulatory power is far too wide.

Mr TONKIN: There is no difference of substance between this and the provision in the Metropolitan Water Authority Act covering this matter. The wording is different, but better. There is a movement in the drafting of Bills to get away from unnecessary verbiage and to be more streamlined and straightforward.

Mr Mensaros: What section of the MWA Act are you talking about?

Mr TONKIN: Section 111(1). The Metropolitan Water Authority Act provides—

The Governor may make any regulations not inconsistent with the provisions of this Act. . .

That is superfluous. Of course the Governor cannot make any regulations inconsistent with the Act. Such regulations would very quickly be struck down in a court of law. The member for Floreat says we should be tighter and we should say those things. It is unnecessary. It is like saying we can make regulations that are legal. Of course we can only make regulations that are legal. It is not necessary to say that. I will read out the full section in the present Act, of which the member for Floreat was the author, and then compare it with the Bill. It reads as follows—

The Governor may make any regulations not inconsistent with the provisions of this Act and whether general—

Hear that word "general"? It means "a very wide application". It continues—

—or to meet particular cases that he may think necessary or convenient—

Remember the word “convenient”. It continues—

—to give effect to this Act or for any purpose for which regulations are contemplated or required by this Act.

It could not be any wider. Regulations are contemplated so the Minister has only to contemplate something and it is okay. This Bill provides—

Regulations may be made under this Act for or in respect of all matters that are required or permitted, or are necessary or convenient, to be prescribed for the purposes of this Act or any relevant Act or to facilitate the operations of the Authority.

Yes, that is a very wide power, but I submit it is no wider than that provided under the MWA Act. The verbiage is different. It is illegal to make regulations inconsistent with any Act, and all these clauses say is that regulations may be made that facilitate the operations of the Act, that are consistent with the Act, and so on. Although the wording is different, I suggest that the width of them and the initiatives that are allowed to a Government under both cases are little different.

Clause put and passed.

Clause 38 put and passed.

Clause 39: Funds of the Authority—

Mr MENSAROS: This clause specified the sources of revenue or income for the water authority, and as I advised, the Binnie report, which was a very good report, started off some years ago a depreciation fund which led to more and more self-financing for the authority.

I think this self-financing for Government instrumentalities is particularly good. If we look overseas we find this practice with public utilities being quite prevalent in this time of high inflation and abnormally high interest rates when rates are enormously higher than those paid by these authorities in the 1920s and the 1930s when we talked about 3 and 5/16 of a per cent.

However, I want to sound a warning—particularly with the announcement by the Premier that the Government will take over assets of various Government instrumentalities to put them to better work—that the people should not pay twice. This self-financing should continue and should be improved.

The hurt with self-financing is in the first years when money is put aside for depreciation. This has to be done from the charges and rates, but when a certain time is reached—probably about 10 years, taking into account today's interest

rates—it is infinitely cheaper for that generation than it would be if it had to borrow money.

I would not like to see the Victorian position prevailing here, so it is important that this warning be made to the Government. The Government members should not think that as an election is coming up, it does not wish to collect any taxes, but that the water authority's depreciation fund can be used and the authority can start to borrow money again. If this occurs, the people will be paying twice for the capital works.

I think it is the Minister's responsibility more than it is the Government's, because the Minister in charge of the water authority has to fight for these things, even if the Government is on the verge of succumbing to such temptation.

I feel strongly about this and I have fought some of my own colleagues to maintain self financing. I have fought the Treasury, which for some reason wants the MWA to return to the historical value depreciation instead of the correctly adopted replacement value.

There will be a small amount of suffering by the consumers of the day in the first few years, but it will be of infinite advantage to the following customers when the capital expenditure can be more and more funded from accrued depreciation funds.

Mr TONKIN: I, too, am very strongly in support of self-financing. I believe the efforts that have been made already by the authority to move towards this have been building up gradually, as the member for Floreat said, because the income will provide the finance in the near future.

I believe also that there should be replacement cost depreciation, as distinct from historical cost—I cannot really see the rationale for historical cost. Self-financing is a way of ensuring that one is not living in a cuckoo land, but is making provisions for the replacement of assets.

However one of the flaws in the authority's argument has been in its jousts with the Treasury that it has not really had a good list of assets, and assets, of course, are to be found in many different categories. Land is one example and obviously land does not depreciate. Dams depreciate, despite what people say. Continual work has to be done on them; they are in a different category. Pumps, pipes, and buildings come under another category again, because they depreciate even more rapidly; so what is needed is an assets register. That is what the authority is working on at the moment.

I had discussions the other day on this matter with officers of the authority, and the register is proceeding. Once we have an accurate assets

register, our depreciation allowances will be more accurate.

I agree with the member for Floreat that it is sound to have self-financing, because in the long run it is cheaper, especially in times of high interest rates. I welcome the member's statement of support for this idea and I strongly agree with the authority's attitude in this matter.

Clause put and passed

Clause 40 put and passed.

Clause 41: Estimates—

Mr MENSAROS: I think it is my duty to emphasise again the tremendous importance of the country consumers and country areas generally. Once the Public Works Department ceases to look after the country water undertakings, they will be the responsibility of the new authority, which is to be an autonomous body, the parent of which will be the Metropolitan Water Authority which has for a long time been self-sufficient. The country areas are subsidised to the tune of 50 per cent and, if we look at the ongoing plus capital expenditure, we note it will probably be to a higher tune, if we are to serve the country areas as they deserve to be served.

Many areas in Western Australia are still without reticulated water, the reason being that we have such a large State. I would like the minds of country people set at peace on this matter of subsidy, because if this subsidy disappears, the country consumers would have to pay a higher rate.

I pointed out during the second reading debate that the proportion of the country expenditure and metropolitan expenditure is about 30:70 to 35:65. That would mean that the country subsidy could be up to 15, 17, or 18 per cent. If that is to be withdrawn, the rates will have to be higher by 15, 17, or 18 per cent over and above the normal yearly increases. The Minister did not give an undertaking that the Government will continue this subsidy.

Mr Tonkin: Yes I did. I said I could not say at what level, because we cannot predetermine our Budget. Your Minister could not have done that six months ahead of time.

Mr MENSAROS: It is useless to give it for only one year. It is better to give it permanently. The Minister will have no difficulty in accepting my amendment. I move an amendment—

Page 48—Add after subclause (2) in lines 5 to 12 the following new subclause to stand as subclause (3)—

(3) The Treasurer, in framing the annual Treasury estimates, shall ensure that the

moneys provided from the Consolidated Revenue Fund and from other Treasury sources, including loan funds, for inclusion in the Authority's annual estimates shall be not less in proportion to the total revenue received from those areas of the State which are situated outside the Metropolitan Water, Sewerage and Drainage Area, constituted by section 6 of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 than the funding appropriated to the Engineering Division, Public Works Department, for Country Water Undertakings in proportion to the total revenue received from those areas, averaged over the financial years 1982/83, 1983/84 and 1984/85.

The amendment would oblige the Treasurer of the day to continue for the country water undertakings proportionately the same subsidy as had existed during the previous three years.

Mr TONKIN: This is the most impudent and audacious amendment I have ever seen. The member is saying that the Chamber today will determine what our Budget should be this year, next year, and the year after.

Mr Blaikie: No, it is saying the level of assistance that is given to country areas shall be based on that formula.

Mr TONKIN: What formula?

Mr Blaikie: The formula indicated by the member for Floreat in his amendment.

Mr TONKIN: The formula the Opposition sets in its Budget. The Opposition says it has the right when in Government to frame its Budget and that this Government does not.

Mr Mensaros: Your Budget of last year is in, too.

Mr TONKIN: This is completely unacceptable.

Mr Hassell: The Treasurer claimed the other day he was not responsible for his Budget and that taxes went up by natural growth.

Mr TONKIN: If the Leader of the Opposition wants to be smart, he will be in that position for a long time.

Mr Pearce: He will be on that side, but not necessarily in that seat.

Mr TONKIN: This is an attempt to determine months ahead what the Budget will be and before the Government has considered it. Of course I cannot give a guarantee about the level of support for country water supplies, neither did the member for Floreat. He was never able to stand here and say, "I give a guarantee". The former Premier (Sir Charles Court) would have beheaded him or removed some other portion of his anatomy

rather than accept that kind of impudent statement from one of his Ministers. It is absolute nonsense.

Mr BLAIKIE: The Minister's attitude certainly has caught members on this side of the Committee by surprise. I thought the Minister would have seen the purpose of the amendment, which is to attempt to give those people currently in regions—

Mr Tonkin: Why don't you have the guts to stop supply in the upper House? Why not knock out the Budget if you do not like it?

Mr BLAIKIE: —outside the metropolitan water, sewerage, and drainage area an assurance that they will retain the proportion and level of assistance by way of subsidies that they have enjoyed over previous years. That is the basic intention of this proposed subclause. Is it any wonder that members on this side representing country areas are concerned about what the Government will do once the new authority comes into being? The present country area PWD water supplies will disappear completely when that happens. There will be a new system of charges and payments. The Government will not have due consideration for country areas or for the disadvantages country people face, and in so doing the Government will reduce the level of financial assistance those areas have received.

Mr Tonkin: Why didn't you give a guarantee like that?

Mr BLAIKIE: Because we did not change the Act as this Government proposes.

Mr Mensaros: We were not asked.

Mr Tonkin: If we had asked your Treasurer to give guarantees about the Budget in April, what would he have said? He would have said it was still under consideration.

Mr BLAIKIE: It ill-behoves the Minister to carry on in this way. The Government proposes there should be one water authority for Western Australia, which authority will incorporate the metropolitan water, sewerage, and drainage area and the country areas water supply. The methods of charging in those two areas have been totally different. It is no secret that country areas have received assistance and financial subsidy from the taxpayers of the State. The metropolitan area water supply has been a paying proposition. We are asking the Government to give an undertaking that the consideration given to country areas in the past will continue in the future. That is the essence of this amendment, and I believe it is reasonable to put it forward. The Minister ought to be more sensitive and the Government ought to be far more aware of the difficulties facing

country people. Within two or three years, an average or standard rate will be charged for water and country people will have to pay an average rate.

Mr Tonkin: Who said that?

Mr BLAIKIE: I am saying it.

Mr Tonkin: That is why it is so valuable. You are saying what will be in the Budget in two or three years' time.

Mr BLAIKIE: If the Government intends to average costs and to reduce the support country people have enjoyed, it will be to their disadvantage.

Mr Tonkin: We represent more country people than does the Liberal party.

Mr Rushton: Ha, ha!

Mr Tonkin: It is not a matter of "Ha, ha"; it is a fact.

Mr Rushton: You do not represent any of them properly.

Mr BLAIKIE: Irrespective of whom the Minister wants to represent, country people will be disadvantaged as will people in the metropolitan area because they will pay higher charges than they should pay, and country people will lose the percentage level of assistance they have been receiving.

Mr Tonkin: We will frame our Budget without your valuable assistance.

Mr BLAIKIE: We will be looking at the Minister's performance prior to the election in 1986, and considering his attitude towards country people and what he does to them.

I refer to the question of country drainage and the Minister knows how disturbed people are about that matter. The Government has used political favouritism in relation to country drainage.

Mr Tonkin: How?

Mr BLAIKIE: I will not digress to talk about the way the Government abolished the Preston drainage district.

Mr Tonkin: We kept an election promise.

Mr BLAIKIE: I will not ask the Chairman of Committees to rule the Minister out of order for interjecting. The abolition of the Preston drainage district is the sort of political opportunism this Government has shown. If it is an example of what we can expect in the future, it is little wonder we on this side of the Committee are concerned, and certainly I support the amendment which has been moved by the member for Floreat.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Tonkin (Minister for Water Resources).

(Continued on page 7056.)

GOVERNMENT CONTRACTS*Purchasing Preferences: Ministerial Statement*

MR BRYCE (Ascot—Deputy Premier) [4.22 p.m.]: I seek the leave of the House to make a statement concerning the release of a discussion paper on Government procurement and local preferences.

Leave granted.

Mr BRYCE: The paper is a further demonstration of this Government's commitment to full consultation on important industry policy issues. No final decisions will be made until all major interest groups have been consulted.

Firstly, let me say procurement policies have had rather a chequered history in this State. The State policy which gives a blanket 10 per cent monetary preference for local firms bidding on Government contracts has been in place almost unchanged since 1922. Over the past year we have been looking closely at improving this policy just as the Eastern States and Commonwealth are on the point of abolishing State monetary preferences.

There is an awareness that, while we need to give some very real support to local firms, this should not necessarily come in the form of the sort of protection which inhibits competitiveness or makes it difficult for our own firms to compete in the east. The State policy should attempt to break down all the unnecessary barriers which prevent Australian and Western Australian companies from capturing important Government contracts.

Most Western Australian companies know exactly what I mean: The minor technical specifications which favour a traditional overseas supplier or the international firm with creditability for overseas owners and financiers.

The discussion paper canvasses firstly a new procurement policy, setting out new mechanisms for increasing the ability of local firms to compete for Government contracts.

The proposal outlines the establishment of two new bodies—

an industry benefits council which would be a committee appointed by the Minister with members knowledgeable in procurement drawn from both Government and non-Government sectors; and

a procurement branch in the Department of Industrial Development which would be staffed by officers dedicated to maximising returns to local industry from Government procurement and which would work co-operatively with the industry benefits council.

This branch would act to seek out opportunities to match local suppliers with potential contracts. It would assist firms with any support and back-up services which may aid in bid preparation or the successful completion of a contract and production of a quality product. It would liaise closely with Government staff responsible for preparing specifications for major contracts to ensure that local companies are not disadvantaged by the way in which these are drawn up.

The IBC and procurement branch would work with departments and agencies to make information available on tender procedures, provide sufficient lead time for local firms to prepare bid documents, break up bid packages into units compatible with local capabilities, encourage departments and agencies to conduct pre-tender meetings, and provide debriefings for unsuccessful firms.

A range of other measures might be used to give preference in addition to, or in place of, the existing monetary preferences used for Government purchasing. Examples of these might include, where appropriate, the use of an absolute preference, restricted invitations to tender or second chance bidding.

Special measures would be—

adopted as recommended by the industry benefits council for individual high value contracts, or for specific development projects; and

used to target specific industry sectors.

A second section in the discussion paper makes a number of recommendations for improvements to the application of the existing monetary preference of 10 per cent for contracts below, say, \$100 000. It is anticipated that it may be possible to agree to phase out this policy in future years once a more appropriate and industry-specific package of procurement measures is in place.

In conclusion, it can be said that over the past year it has become clear that the thinking in Aus-

tralia has shifted quite markedly on State preference and offset policies. The Commonwealth has been urging all States to abolish local preference policies. The major industrialised States of Victoria, New South Wales, and South Australia are on the verge of reaching agreement to abolish the policies within the "three States common market".

I do not believe Western Australia is yet in a position to be able to follow suit. Many of our industries are less sophisticated, have a smaller throughput, are isolated, and operate within a smaller market than their Eastern States' counterparts. We may be in the position to join with other States once the new policies are in place.

I am confident that, as a result of this review of Government procurement policy, and any changes which may emerge from both this review and the consultation which will take place over the next few weeks, local industry will be in a much better position than it currently is to compete, not only for Government contracts, but on the wider national scene as well.

MR COURT (Nedlands) [4.29 p.m.]: The Government is treading on dangerous ground in announcing that it is considering cutting out monetary preferences to Western Australia in line with the policies of the Labor Government, in the industrialised States of New South Wales, Victoria, and South Australia. The new agreement between New South Wales, Victoria, and South Australia will be a farce. It simply will not be implemented in practice. It will be in words, but not in practice. In theory, it sounds great, but I predict it faces many problems in implementation.

For example, if the New South Wales Government is buying South Australian wines, it is only a matter of time before a few questions are asked and the political pressure will be such that it will go back to a preference policy in that particular State.

The impending agreement between New South Wales and Victoria will be a one-way street. We will not pick up any more business out of it, but those States will. The reason I am opposed to this Government's becoming part of their so-called "common market" is that it will be loaded against us.

We purchase a large percentage of our manufactured goods from these States and already we pay inflated prices, because of the high levels of protection which many of these industries enjoy. We are aware of the examples in the textile and car industries, and the like.

The very protection which they—I include in "they" the Government of South Australia—say tongue in cheek they want to break down is the protection on which those three States thrive. Those States simply want easier access to our markets. It is relatively easy for goods to be supplied in a large market such as that in New South Wales and Victoria which may be serviced easily from one major centre.

Mr Bryce: Are you a protectionist?

Mr COURT: The sheer distance of Western Australia from those markets, as the Deputy Premier knows, is a major barrier to our breaking into them. For example, Western Australia is faced with higher servicing and administrative costs, including the cost of air fares, and many other costs are involved. From personal experience, I can assure the Deputy Premier that Western Australian companies operating in the Eastern States have problems with agents because of the distance involved. In many cases one tends to get taken for a ride.

Already in respect of Federal Government purchases, we are all meant to compete on equal terms, but that is far from the practice.

In the area of defence purchasing, for example, the system has been loaded against us for years. I again quote personal experience where the companies here have been able to tender for the supply of what are considered to be better products at lower prices, but the contracts are let to Eastern States companies. I am sure the Deputy Premier will agree that people involved in defence in Canberra find it easier to shoot up to Queensland or New South Wales for the day than to come and talk to people over here. I make it clear to the Deputy Premier that the Opposition will be doing everything in its power to ensure future defence contracts—I include in that the submarine contract—are won by Western Australian companies.

Unfortunately a bias exists against us with regard to Federal purchases. We need a guarantee as to this part of the business, never mind possibly handing over more business.

A need exists to review the purchasing policies of the Government, but not as the Premier has suggested by cutting some of the preferences to Western Australian companies.

One of the serious problems which occurs is that Western Australian Government departments specify products of their fancy which are made in the east, when a local product which could do the job is available.

Mr Bryce: That is what I am suggesting.

Mr COURT: Frequently the local product is available at a lower price and it will do the job, but it does not stand a chance, because the specifications do not call for it. That is one of the major problems. We are losing business to the east and it is business which should be carried out here.

It concerns me that Government departments are pushing some of their work to the east, because, in a free market situation—that is the type of market which I support—that would not occur.

I am sorry that, in many cases, local industry is getting a raw deal on Government purchases, and the deal which this Government is proposing will make it worse.

Mr Bryce: This is a discussion paper; it is not a policy.

Mr COURT: In changing purchasing procedures, we would support the proposal—the Deputy Premier should note that I am supporting one of his proposals—to provide more lead time for local firms to prepare bid documents, to break up their packages into units compatible with local capabilities, to encourage departments and agencies to conduct pre-tender meetings, and to provide debriefing for unsuccessful firms. At present this is a controversial area. Currently it is difficult to obtain an explanation as to why one has lost a Government contract, particularly when one has put considerable work into tendering. No doubt those people who put a great deal of work into tendering for the casino will be experiencing the same sort of problem.

The previous Liberal Government had a tremendous record in ensuring that maximum local content was utilised in Western Australia, whether it was in respect of major resource projects or small orders. The Opposition parties—that is, the Liberal and National Country Parties—were always proud to support the birthmark and “Made in Western Australia”. I know this occurred within my own family. My mother once went crook at the local supermarket because it did not carry fruit canned in Manjimup. I fully support the market working freely, but we already have a market in Australia which is loaded against us and, with these proposals, it will be worse. Concern exists already among industry in respect of the Government’s proposal.

The paper which the Deputy Premier is talking about is simply a sop to the Labor Governments of New South Wales, Victoria, and South Australia. We should not be fooled by their academic proposals and we should be out defending local industry. I assure the Deputy Premier that those States might be cutting monetary preference by

10 per cent, but they will certainly be increasing other forms of preference that protect them, and by considerably more than 10 per cent.

Mr Bryce: That is the implication of the discussion paper.

GAMBLING: CASINO

Burswood Island: Motion

MR GRAYDEN (South Perth) [4.36 p.m.]: I move—

That this House deplores the way in which the Government has mishandled the proposed Burswood Island casino project and urges that submissions for the development of the area be reopened to all, and sought on a national basis, and an adequate period of time be allowed for the lodgement of such submissions, in order to ensure that the widest possible range of options are presented before a choice is made on the final form of development for Burswood Island; but that these steps should not be taken unless and until—

- (a) Parliament has approved the establishment of a casino in Western Australia, and
- (b) if so approved, a licensing and control law which seeks to eliminate any corruption or vice associated with a casino has been approved by Parliament.

I have moved this motion because of the manner in which the Government has mishandled the entire casino project since it was first mooted shortly after the Labor Government took office in February last year. Virtually the only way in which the public of Western Australia have been able to learn anything of this project has been through a series of leaks from Government departments. I shall deal with that aspect at greater length shortly. However, there are other reasons for this motion which are that the Government has dealt with the whole project as if it were a *fait accompli* when, in fact, parliamentary approval in all probability is required for the necessary rezoning and vesting of the land.

The Government has been guilty of deception in respect of a number of aspects of the proposal. It is proceeding with the project in a way that makes one organisation a front-runner and disadvantages 15 of the other applicants. Even with the new proposal to reopen the submission period for the 15 applicants who submitted proposals for other sites, the request is too confined and should be held on an Australia-wide basis.

Parliament has been misled in respect of important aspects of the project. The Government's mishandling of the project has resulted in massive speculation in the shares of a particular mining company.

The Government has proceeded with the project, without waiting for a report which it had commissioned in respect of the possible building site difficulties on Burswood Island. In the course of the last few days, the Government has changed its plans for the project on a number of occasions. The Government allowed nine months to elapse between the date for submissions last year and a recent public announcement that Burswood had been chosen as the site for a casino complex.

The Government has caused the time and money of applicants to be wasted, because it decided on Burswood Island as a site after they had submitted their applications. Without question, the Government has made insufficient efforts to ensure a 100 per cent Australian-owned development on that particular area.

I mentioned that the Government has treated this whole matter as though it were a *fait accompli* and as though the approval of Parliament were unnecessary. That of course is not so. We know that according to the MRPA the zoning for the area is "parks and reserves". Therefore, the vesting of the land will be a matter for Parliament to deal with.

I wish to make the point that this is not waste land. As far back as 1955 a plan was made for the metropolitan region and Burswood Island. It was for the reservation of 445 acres on Burswood Island for a regional sports centre.

Section E (3) (h) of the metropolitan region plan for Perth and Fremantle 1955 stated—

(h) Regional Sports Centre and Stadium

The National Fitness Council is anxious that provision should be made for the future development of a comprehensive centre for sporting activities, and that all the facilities provided should be of full Olympic standard. There are lessons to be learned from Melbourne, where preparations are now being made for the Olympic games. As a result Melbourne will have a permanent range of facilities of which the most important will be the greatly improved arena normally used for cricket and Australian Rules football. It would be wise to anticipate large gatherings of spectators in the Region, particularly for football. A large oval or stadium should be the main feature of the Centre for sporting activities. None of the existing major ovals offer opportunities for comprehensive devel-

opment, which involves many facilities, good communications, and the provision of really adequate car parking. When the reclamation of that part of Burswood Island South of the railway is completed, it could be developed as an admirable centre well served by both regional highways and railway. It is, therefore, suggested that the future use of this area should be as a comprehensive sports centre, including a major oval with provision for the eventual accommodation of 80,000-100,000 spectators.

That master plan was drawn up by Professor Stephenson in 1955.

Mr Blaikie: It would be interesting to have Professor Stephenson draw the same plan in 1984.

Mr GRAYDEN: It would be interesting. In 1955 Burswood Island was the subject of a plan for a regional sports centre. This is not waste land; the project which is before us is virtually for that great sporting complex, with a hotel and a casino added to it.

I wish to deal with the question of deception. As I mentioned earlier the only way the people of Western Australia have been given any information on the casino has been as a consequence of a series of leaks from Government offices. These leaks started on 4 January 1984. The *Daily News* of 4 January 1984 reported "Casino Bets Land On Burswood". The article was framed in terms of Burswood Island being the most likely spot for a Perth casino. That was the first leak. On 7 January 1984 *The West Australian* reported the comments of the Leader of the Opposition as follows—

The WA Government was conducting a subtle publicity campaign to create the impression that casinos were inevitable, the Acting Leader of the Opposition, Mr Hassell said yesterday.

It was also being secretive about its casino inquiry, he said.

The combination of secrecy and deliberate encouragement of speculation about likely sites put the Government in a ridiculous position.

It was known that most submissions were opposed to casinos and that at least two Government departments were opposed to casinos.

The people should be told of the findings and recommendations of the inquiry and the Government's decision, Mr Hassell said.

The Government has previously said that a decision will be made early this year and public comment invited.

The second leak took place on 23 January 1984, with the publication in *The West Australian* of an article headed "Eyes on 32 Western Australian sites". The article reported that 32 proposals had been received to build a casino. The 32 proposals were sent to the committee. The article went on to say that the committee had received 367 submissions and letters, and added that almost 300 of those submissions opposed the establishment of a casino in Western Australia. Fifty-four of those submissions were from church organisations.

The *Daily News* published a story on 23 January 1984 making specific mention of the fact that it was a leak. The article was headed "\$250 m bid for casino". The article stated—

The Premier said that the proposal was from a mainly Australian consortium.

The report, which goes to Cabinet today, has been leaked.

Government sources made it clear that though there was no definite decision on a casino, two major issues had been decided.

Mr Blaikie: I wonder whether the Premier watches that programme "Yes Minister".

Mr GRAYDEN: *The West Australian* of 23 January 1984, under the heading "Report makes casinos a 50-50 prospect" reported as follows—

A COMMITTEE set up by the State Government is split down the middle on whether WA should have legal casinos.

The four-member committee, set up 10 months ago, completed its report unable to agree.

In the report leaked to *The West Australian* yesterday, the Police Commissioner, Mr Porter, and the assistant Crown Solicitor, Mr Douglas Brown, give cases against casinos being established in WA.

The third leak occurred in the *Daily News* as late as 4 April where in an article headed, "Casino to go to Burswood" the following appeared—

Burswood Island has been selected as WA's first casino site—and a consortium involving businessman Dallas Dempster is favoured to develop a \$250 million hotel-tourist complex.

But the crucial issue of who will get the licence to operate the casino is expected to be decided by an independent authority—either a gaming commission or the TAB.

Further on it said the following—

These details leaked today as torrid speculation surrounded Cabinet discussions.

The article continues for two pages and it contains the details of the latest leak.

Even though I asked a question in this House a couple of days later following this leak, the answer appeared in the newspaper as follows—

Mr Burke replied that a series of decisions were being made and an announcement was imminent.

That news item was headed, "Burke mum on casino". One can see from this information that we have had leak after leak on this issue.

Mr MacKinnon: Where is the Premier?

Mr Laurance: He is very scarce at the moment.

Mr GRAYDEN: It is only as a consequence of the leaks that we have learned anything about the casino proposal. Some people in Western Australia are most irate that this type of information was brought to the attention of the public in this form and that they have not been consulted. The Perth City Council falls into this category. It has made a few comments in respect of this proposal. An article which appeared in *The West Australian* on 7 April 1984 headed "PCC takes Government to task over casino", reads as follows—

PERTH city councillors are angry that they were not told of any proposal for a casino on Burswood Island.

Part of the island is controlled by the PCC, and the 107-hectare site has been looked at by the Government and the council for open space and passive recreation.

The Premier, Mr Burke, said yesterday that the Government had been forced to make an announcement before it intended because the information was leaked to the Press.

It was unfortunate that the Government had not been able to inform the council in the usual manner before a decision was taken.

Further on it said—

The deputy chairman of the council's town-planning committee, Cr Rod Evans, said councillors were disappointed to learn that the Cabinet had approved the proposal without consulting the PCC.

Councillor John Bisset who represents the Carlisle ward of the Perth City Council, in which Burswood Island is situated, said—

He was against a casino on the land, which had been set aside for public open space.

Another councillor from the same ward, Mr Mick Lee, said that the news had come as a bombshell.

I have outlined the third leak and I will now outline the fourth one which occurred in the *Weekend News* on 7 April. In an article "Casino report trouble ahead", the opening paragraph read as follows—

Major engineering problems will confront the developers of a casino and hotel complex on Burswood Island.

Further on it said—

The report is expected to be presented to Cabinet next week, but portions were leaked to the *Weekend News* on Saturday.

We have had one leak after another over an extended period and it is only as a result of these leaks that we know something about the proposed casino. It is for that reason I say that the Government has not been frank with the public of Western Australia. It has no need to be secretive, but it has been secretive; and the only way we have been able to obtain information is as a consequence of those leaks.

All the available evidence points to the fact that the decision had been virtually made some time ago in respect of the Burswood Island site and as to who would develop it.

I previously referred to an article which was published in *The West Australian* in which the Perth City Council took umbrage at the fact that the Government had not consulted with it on this subject. I remind members that the article was headed "PCC takes Government to task over casino", and it reads, in part, as follows—

The Premier, Mr Burke, said yesterday that the Government had been forced to make an announcement before it intended because the information was leaked to the Press.

It was unfortunate that the Government had not been able to inform the council in the usual manner before a decision was taken.

He said that the Lord Mayor, Mr Mick Michael, had been made aware of the proposal in confidence.

Mr Michael said yesterday that he had been shown the two casino proposals by Dallas Dempster and Federal Hotels, but he had not been aware of the exact locations.

It seems passing strange with 17 submissions being received in respect of a casino licence, that one or two developers should be so confident that they have been given the nod to put forward plans

of their project to the Perth City Council. This points to the fact that one or both of those firms had a strong belief that they would be given permission to go ahead with the casino complex on Burswood Island.

Of course, we have also had the share dealings. People do not just plunge into the stock market. Invariably, there is good reason for such action. This type of thing usually occurs in the case of a mine. An employee who sees the drill go down and come up with the core impregnated with gold would know that the mine could prosper. If he were sufficiently impressed with it, he would buy shares himself or possibly persuade his father who may be a workman, struggling to make ends meet, to mortgage his home to buy shares in the company for which he works. This has happened many times and I am familiar with many such situations. The father, who may be a working man and who cannot afford to buy shares, may mortgage his house. As a result everyone thinks that, if a person in his position took such action and his son worked for the mining company concerned, his son would know what was happening and there must be some basis in the value of the shares. After further investigation, the interested people speak to the working man to ascertain why he is so confident. Then away they go and buy some shares. Having got set, they tell their friends who also get set, and so it continues. Shares do not suddenly rise and keep rising on a huge turnover without something pretty solid to cause that upsurge.

We have the situation of two firms going to the Perth City Council in order to advise it of what is happening on Burswood Island, we have the share dealings and we have certain people approaching finance companies. Again, that information is spread from the finance companies. In addition, we have a nine-month delay from when applications closed on 31 July last year until the present time. Surely with the America's Cup to be held in Western Australia in the relatively near future there is an urgent need to build tourist-type accommodation. I admit that the Government had a Cabinet committee and an inter-departmental committee looking at the situation. However, how could the Government shelve that whole project for a period of nine months unless one or two developers, possibly in conjunction, had simply been given the nod. They would be telling others what would happen and as a consequence there would be a sudden upsurge in the price of one group of shares.

Although they are only circumstantial, these matters point to the fact that a decision was virtually made by the Government some consider-

able time ago. As a consequence of these leaks in the last few days the Government has been forced to change its plans. However the plans have been changed only to the extent that the Government has said that under these circumstances it will ask all those companies which submitted applications last year to re-apply. It has said it will give those companies until the end of May to forward submissions and in a couple of months it will make a choice.

All this points to the fact that it is only a temporary expedient to overcome the situation which has developed as a consequence of the leaks. Many people have been disadvantaged by the way the Government has approached the entire project.

Members may recall that in June of last year, and possibly earlier, advertisements were published in the Western Australian Press. I intend to read the advertisement so that members will know the exact content and realise the confusion which must result from advertisements of this kind. The advertisement read as follows—

Proposals for Casinos in Western Australia

The Government of Western Australia has appointed a Cabinet Sub Committee and a Government Casino Advisory Committee to examine and report on the implications of the establishment of Casinos in Western Australia.

The Committee's Terms of Reference are:

The Government invites expressions of interest and/or submissions for the establishment and operation of Casinos in Western Australia within the terms of reference and the following broad objectives:

- (a) the social and economic implications of the introduction of casinos in W.A.
- (b) the conditions under which a casino licence or other gaming licences should be granted.
- (c) the location and type of complex for casino operations.
- (d) the forms of gambling to be conducted in casinos.
- (e) the control of licensed casinos, and
- (f) the legislative procedures necessary to provide for casino operations.
- (a) public control of facility (ies)
- (b) the highest standard of casino facilities and operation,
- (c) the maximum enhancement of the tourist industry and contribution to the area in which it is located, including—

- (i) the best site for outlook and accessibility
- (ii) possible additional international class tourist facilities including facilities such as accommodation, convention centres, sporting amenities, restaurants, indoor outdoor entertainment complexes.

(d) related community benefits.

Submissions should be addressed to the Executive Officer, Government Casino Advisory Committee, Department of Employment and Administrative Services, 18th Floor, 251 Adelaide Terrace, Perth, NO LATER THAN JULY 31, 1983.

As a consequence of that very confusing advertisement 17 people submitted plans for a casino. Two of those people submitted plans for Burswood Island but the remainder chose areas in other parts of Western Australia. The two firms which submitted those applications for Burswood Island have had that period since 31 July last year in which to perfect their proposals, to ascertain all manner of details necessary and to hold the necessary discussions with the Government. What has happened to the other 15 firms? They have been floundering around waiting for the Government to approach them or to make a decision; they have not known where they were. On innumerable occasions they probably wondered what had happened to their applications. In the meantime the other two firms were busily going to the Perth City Council and finance houses and making all other necessary arrangements. However, the other 15 firms were out there in limbo waiting for information from the Government.

After the nine months' waiting period the Government has now stated that it will be fair to those 15 firms. It will give them until the end of May to adjust or modify their submissions to fit in with a possible casino development on Burswood Island. Originally, the Government called for applications, and firms throughout Western Australia and elsewhere were put to great expense and trouble in submitting applications. After all this and a nine months' waiting period the Government states that it has chosen Burswood Island as the development site. It has said that if any firm wishes to make a submission for Burswood Island it will have to forward its plans by the end of May, a matter of only a few weeks. It can be seen that these people are at a tremendous disadvantage.

I quote from an article which appeared in *The West Australian* on 6 April 1984, headed, "No advantage—Burke" as follows—

There would be no special advantage for two consortiums who had already submitted plans to build a casino on Burswood Island, the Premier Mr Burke, said yesterday.

He told the Legislative Assembly that the two original proposals for the site would not be modified before the Government decided which submission would be chosen.

Other groups that made submissions for casinos throughout the State had been invited to tender their ideas for Burswood Island within seven or eight weeks.

Mr Burke said that this was the period of time given the original applicants last year to draw up their submissions.

The two who chose the Burswood Island site have had nine months in which to work on and modify their proposals, whereas the others have simply been waiting for an announcement. The other 15 applicants will have a matter of only a few weeks in order to try to catch up the nine months' start which the other two applicants had.

This quest for a developer is all too confined. Without doubt, the Government should try to obtain a wider range of options. Let us just think of the Burswood Island site again. Here it is, in the centre of the metropolitan area—a choice piece of land, almost adjacent to the central city block, on the banks of the Swan—

Mr Coyne: Not wasteland!

Mr GRAYDEN: Not wasteland by any means. It is a choice piece of real estate—one of the most choice pieces of real estate in all of Western Australia. We are going to say, "The Government has made a decision to allow this development, but we are going to confine the choice of applicants to those who, last year, in response to an obscure advertisement, made an application for a casino". It is for that reason I say that the quest is all too confined for such a choice piece of real estate.

If the Government persists in confining submissions to those who lodged applications last year it will deny literally hundreds of others throughout Australia the opportunity of making a submission for the development, if it is to proceed. Irrespective of whether a casino is built, there is an argument for development along the lines suggested by Professor Gordon Stephenson in 1955 plus, of course, a great tourist complex. By all means have that. That is an option. We could have all the development, and the tourist complex, without a casino; but the people throughout Australia who are interested in a development of that kind, with or without a casino, will be denied the opportunity of making application for this choice piece of real estate.

The Government is not under any obligation to the 17 people who submitted their applications. The Government could quite easily say, "If that's the argument, we accept it. We will call for applications throughout Australia". However, in all probability, the result would be that we would still have the development desired by the Government, with or without a casino according to what the Parliament dictates, and in addition it would be owned 100 per cent by Australians.

We hear a great deal about selling the farm. There has been a tremendous amount of criticism over the last few years in respect of people who come from overseas and buy up the pastoral properties of Western Australia. The Labor Party in Western Australia has been vocal on this issue and in respect of purchases of other real estate in Western Australia. I suggest to the Premier that if he proceeds along the lines which the Government has intimated, and if he calls applications only from the 17 applicants who submitted proposals last year, in all probability we will finish up with a development owned, say, 49 per cent by Australian interests and 51 per cent by overseas interests. Of course, it might be the other way around; it might be owned 49 per cent by overseas or Malaysian interests, and 51 per cent by Australians. We could have exactly what the Government requires, if the Parliament agrees, and have it 100 per cent Australian-owned. That is the all-important thing. It would be an absolute tragedy if we had this choice piece of land on the banks of the Swan, in the centre of the metropolitan area, and we said, "Right, we'll let it be owned 49 per cent, 51 per cent, or whatever the case may be, by overseas interests", simply and solely because the Government confined the applicants to the people who made submissions as at 31 July last year in response to a rather vague and confusing advertisement.

Mr Coyne: Don't you think the Government would want a slice of the action?

Mr GRAYDEN: I am sure the Government will. I will touch on that point later. The Government is virtually saying, "The ground was set aside in 1955 as a regional sporting complex, but we would rather see a hotel and casino built on it and given away in the space of weeks rather than having a delay and ensuring it is 100 per cent Australian-owned".

The Parliament has been misled on some aspects of this project. The other day, I had occasion to ask the Premier a question in the following terms—

In view of the fact that the Dallas Dempster-Genting Berhad organisation,

together with any other individuals or organisations which may be involved with that organisation, had many months prior to last November, when details of their proposed \$250 million casino-hotel complex on Burswood Island were disclosed, and five months since that date, to work on their proposed complex, and for that reason alone have a flying start on all other applicants for a casino complex on the site, and must therefore be regarded as the front runners, will he extend the two month period—which he has announced as the period during which other applicants will have the opportunity to revise their proposals and adapt them to the Burswood Island site—to six months, in order that all applicants may compete for the casino complex on a more equal basis?

The Premier's reply to me was very misleading. I will read only the relevant portions, because he gave a relatively long reply. In that reply, the Premier said—

During last year people interested in submitting proposals for a casino development were given a period of between seven and eight weeks to submit those proposals. After that period—I presume the member does not know this—those applicants were not permitted to revise or work on their proposals from the Government's point of view. They had had seven or eight weeks at that time.

The Government has today announced there will be another seven or eight weeks from this time for those people who did not nominate Burswood Island as the site for the proposal casino to set out proposals if they wish to. However, those people who had previously submitted proposals for Burswood Island will not be allowed to modify their original proposals.

I said, "The others cannot catch up 12 months in two months". The Premier replied—

Perhaps the member did know of my announcement. Those people who originally put in proposals for Burswood Island did so in seven to eight weeks.

I said, "The others did not realise this was the only site". The Premier continued—

They are getting the same amount of time to submit proposals in respect of Burswood Island as they did in respect of the sites they chose.

It goes on in that vein; I will not waste the time of the House in dealing with it.

The Premier's reply went on and on emphasising the point that applicants who submitted their applications by 31 July of last year were not permitted to revise or work on their proposals. That is the statement he made. That reply by the Premier was meant as a rebuke to me because I had asked him a question on the matter.

That was last week. An interesting article was to appear in the *Daily News* a couple of days later. In the edition of 6 April we saw a headline "Casino: Grayden lashes out". The article recounted a conversation the reporter had had with one of the applicants for the establishment of a casino. I quote as follows—

Today, Mr Dempster said that the Government had called in June for casino submissions and/or expressions of interest.

His company had forwarded an expression of interest and followed that up with detailed plans before December.

So it was some months later. We then find this elaboration—

Mr Dempster confirmed that Tileska only put a letter of intent to the Government before the closing date on July 31 last year—but said that was all the Government had sought.

Yesterday, he was asked by the *Daily News*: "Did you submit your submission after the closing date last July?" Mr Dempster answered: "No, we didn't. Tileska Pty Ltd put in a submission well before the due date."

Today Mr Dempster said the company submitted its plans for Burswood just before December last year.

"We had no knowledge of any other plans before we started preparing ours," he said.

I return to the rebuke directed at me by the Premier in his answer and to his comment, "Those applicants were not permitted to revise or work on their proposals". Once they had submitted their proposals, that was it; the proposals were not to be modified. But here we have one of the people concerned, the front-runner, saying that he had submitted a letter of intent and then submitted his detailed proposals some months later. So here we see that Parliament was misled by the Premier.

I will refer now to the trading in shares for that particular company purely as a consequence of the Government's mismanagement of this entire casino issue. Had it not been for this mismanagement we would not have seen a huge number of people defrauded on the Stock Exchange as a

consequence of the speculation that took place by people who believed for various reasons that a particular applicant was to be awarded the right to proceed with a casino project.

The company concerned is a public company. During the month of March the shares of that company were selling in an unspectacular way, and I have gained this information from *The West Australian*. On 19 March, 22 000 shares were sold; on 20 March, the number was 18 000; on 21 March, 38 000; and on 22 March, the number sold was 30 000. After the weekend, we find that on 26 March, 12 000 were sold. They were selling for around 17c a share.

Then the rumours began to be well known. On 27 March, 82 000 shares were sold; on 28 March, 312 000; on 29 March, 173 000; and on 30 March, 214 000 were sold. After the weekend, we find that on 2 April, 196 313 shares were sold; on 3 April, 298 000; and on 4 April, 680 125 shares were sold. On 5 April—by this time we had received the news that the company had not got the contract—225 000 shares were sold nonetheless at up to 30c. On 6 April, the shares were down to 18c and 151 000 were sold. The following day, 4 000 were sold and the price of the shares was back to where they started before this incredible upsurge—around 17c.

During that period, Western Australians were speculating in that company because they were convinced, for good reason, the company had been or was to be given the go-ahead to build a casino. In that time, 2 331 438 shares changed hands in nine days.

Mr Coyne: Did you buy any?

Mr GRAYDEN: No. I have a lot of respect for the company, but it does not have a lot.

No justification can be found for the shares to go from 17c to 30c and for nearly 2.25 million shares to be sold in nine days. Again, this is an instance of the Government's mismanagement of this whole affair. No blame is attached to the company for what happened. The company had had dealings with the Perth City Council and finance companies in preparation to proceed with the project. During the whole time, the people investing could have been told by the Government what the situation was. The people continued buying and selling shares because they were convinced the company had been awarded the project. These people do not accept evidence lightly; it is not just a matter of their acting on a rumour, because they want to see hard evidence before they speculate in shares in the way they did. A lot of people were defrauded, but there is no blame

attached to people who bought shares. Everyone thought that someone had inside knowledge.

Let me quote now from the business pages of our newspapers. On 4 April, the following appeared in *The West Australian*—

Tileska continued its recent climb with a rise to 24 cents amid rumours that the company is part of a group likely to be granted a casino licence in Western Australia.

Then on 5 April, the following article headed, "Mallina puts on 6 cents in heavy trading", appeared in *The West Australian*—

A HEFTY rise in the price of Mallina shares was a significant feature of Australian share trading yesterday, against a background of steadily rising prices across all boards.

Mallina, a junior mining company chaired by Mr Dallas Dempster, saw its share price rise from 24c to 30c on busy speculative turnover. Perth turnover totalled 450,000—half of it in the final session.

In the last week the company has been strongly linked with the possible granting of a casino licence for a location on Burswood Island.

In that time the share price has risen from 17c.

Leave to Continue Speech

I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.01 to 7.15 p.m.

GAMBLING: CASINO

Burswood Island: Motion

Debate resumed from an earlier stage of the sitting.

MR GRAYDEN (South Perth) [7.17 p.m.]: Prior to the dinner suspension, I was talking about the speculation in shares which had occurred as a consequence of the Government's mismanagement of this casino project. I pointed out that, in the course of nine days, 2 331 438 shares had changed hands and the price of these shares had gone from 17c to 30c. After it was denied that the company

was to receive a licence, the shares returned to the original price of 16c or 17c.

I turn now to the difficulties this site poses for developers. Recently, another report was leaked, and it related to the major engineering problems which would confront developers of a casino and hotel complex on Burswood Island. This engineering and environmental report was commissioned by the Government, I think last September. An account of that leaked report was published in the *Weekend News* of 7 April 1984, and some of the aspects referred to are as follows—

The report lists problems with roads, drainage, soft soils and generally poor conditions resulting from use of the site as a rubbish dump for decades.

And this will mean maintenance costs for the company chosen to develop the site.

"This is not an easy site to build on. If it had been it would have been developed before now," the engineering firm Halpern Glick Pty Ltd states.

Halpern Glick is part of the team of specialists in engineering, recreational planning, financial management and urban design hired to study ways of making Burswood Island a world-class recreation area.

The report is expected to be presented to Cabinet next week, but portions were leaked to the *Weekend News* on Saturday.

It says there will be physical limitations on development on the island, largely because of the poor foundations conditions.

Major buildings in the southern part of the site will require expensive foundations to depths of 18 to 30 metres.

This will be necessary to overcome the 22 metres of silt and clay which cover a large part of the island, particularly across the route of the proposed highway.

The report suggests further investigation of the foundations will be needed if large buildings are proposed.

That indicates to some extent the contents of the report submitted to the Government.

The point I make is that it is rather remarkable that the Government did not wait for that report to be submitted prior to its announcement in respect of Burswood Island.

Other complicating factors exist in respect of the use of Burswood Island for this purpose.

Apparently shortly after the war, large quantities of rubble from cement buildings and,

indeed, engines were dumped into part of Burswood Island to try to consolidate the ground in order that roads might be established on it. I understand this rubble just disappeared out of sight into the mud and ooze. They are still there and so would present all sorts of problems to any company attempting to drill in order to establish the type of pylons necessary to support buildings of any consequence, but this is only one aspect.

At one time, an attempt was made to build a road across Burswood Island. Huge quantities of filling was dumped there in an attempt to buttress the road in numerous ways. Pylons, etc., were erected and the road was constructed, only to subside.

Quite obviously an area of this sort would present all sorts of problems to a developer and would possibly make it altogether too costly for anyone to construct large buildings. This must be taken into consideration before a decision is made on submissions.

Let me move now to comment on the interdepartmental report on this project commissioned by the Government. The committee comprised four members: The Commissioner of Police (Mr Porter), the Assistant Crown Solicitor (Mr Douglas Brown), the Director of Employment and Administrative Services (Mr Keith Shimon), and the former Director of Tourism (Mr Noel Semmens). When the report was subsequently leaked to the Press, it was disclosed that the committee members were split down the middle on the question of a legal casino for WA. Mr Porter and Mr Brown came out strongly against the proposal, while Mr Shimon and Mr Semmens supported it.

In the report, Mr Porter made some very cogent comments. He said that his extensive research had been unable to find anything to support the casino concept from a police or social viewpoint. He went on to say that great caution must be exercised before gambling was further legalised in WA, and that his research totally supported the findings of the Connor inquiry of Victoria. That inquiry prompted the Victorian Government to announce that a casino would not be allowed in that State. Let me quote the recommendations of Mr Xavier Connor QC, as follows—

Mr Xavier Connor QC, had recommended that maximum-revenue casinos not be established in Victoria because they would stimulate casino gambling to an unacceptable degree and there was no demonstrable demand for them.

He said there would be a substantial risk that they would be infiltrated by organised crime and were likely to be accompanied by an unacceptable level of street crime.

Mr Connor had also found that casinos, compared with other forms of gambling, were unlikely to be efficient producers of revenue for Victoria.

The report contained a comment by the Mayor of Alice Springs (Lesley Oldsmith) to the effect that child-bashing, wife-bashing, and prostitution had increased in Alice Springs since the advent of its casino. Commissioner Porter also said—

Legal controls had an important side-effect in the potential for corruption of public officials. Corruption was made more possible amid the high cash flow and "fast-action" atmosphere of casinos.

He went on to say—

There were many other worries for law-enforcement and licensing authorities, particularly "loan sharking"—the extension of credit to a gambler—and the methods of recovering outstanding debts.

Quite apart from the fact that the committee set up to evaluate this question was split down the middle, other evidence was received which one would think would cause the Government to reject any suggestion for the establishment of a casino.

In all, 367 submissions were made to the committee. Proposals to operate or build a casino numbered 32, with 19 proposing a metropolitan casino and 13 a country casino. In addition to the 367 submissions, letters, and expressions of interest, the extraordinary thing of consequence was that nearly 300 of those submissions opposed the establishment of a casino in Western Australia, and included objections from 54 special interest groups, mainly church organisations, which would represent very large sections of the population of this State.

I can fully understand our Police Commissioner's being opposed to gambling and recommending against the establishment of a casino, because over the years the police have had some shocking experiences with gambling. For instance, let me quote from the *Sunday Sun* of 25 March wherein we find an article indicating the extraordinary upsurge in crime in America's Atlantic City since casinos were established there. The article is headed "Casinos Turn Quiet Town Into Crime Capital", and reads as follows—

The glittering lights of the Atlantic City boardwalk casinos lure busloads of travellers with star attractions such as Frank Sinatra.

Only the howl of police sirens detracts from the festive mood. More than 25 cars patrol a postage stamp area immediately behind the glitter.

Why so many police cars? Last week the Census Bureau provided the answer. Atlantic City has become the United States crime capital.

More than one in three people are victims of crime—a fourfold rise since May, 1978 when the first casino opened.

Residents have said they bitterly regret having voted for casinos.

That is a very significant point. Of course, I will not read the article or report. The article continues—

Police estimate that for every new casino they can expect to investigate 8000 crimes.

It went on as follows—again the figures are absolutely startling—

Police investigate about 50 000 cases a year compared with about 4000 five years ago.

That is what the advent of casinos has meant to Atlantic City in the United States. It has converted that relatively quiet city into the crime capital of the United States. Casinos will cause a major change in our social existence; there can be absolutely no question about that.

Mr MacKinnon: Hear, hear!

Mr GRAYDEN: Therefore, it follows that if casinos are to be established here, they should be established only as a consequence of the will of the people. Any major social change of that kind should be implemented only as a consequence of the will of the people, and social change of that magnitude should be for the good of the country. If it is to be a real democracy, should we try to ascertain the will of the people about this major social change. Without question it should be put to a referendum. The Government is talking in terms of possibly having a referendum later this year or in the near future. The Government has talked about having a referendum on electoral reform.

May I suggest that possibly it could be held at the next election? The point is, if we have a referendum on this question, I have no doubt at all that it will be defeated; any suggestion of a casino will be defeated resoundingly. Therefore I suggest to the Government that, one way or another, before a decision is made to establish a

casino, the question should be put to a referendum.

It is quite obvious that the people of Western Australia, by hook or by crook, will have their say on this question. Today a person from the country came to Perth to interview the Lord Mayor and to present him with a petition that there should be a ratepayers' meeting on this issue. Apparently, the mayor has agreed to that course, although my information may not be correct on that. The petition presented to the Lord Mayor of Perth reads as follows—

PETITION

TO: HIS WORSHIP, THE LORD MAYOR OF PERTH,

WE, THE UNDERSIGNED RATEPAYERS OF THE CITY OF PERTH, REQUEST YOU TO CONVENE A SPECIAL MEETING OF ELECTORS TO PUBLICLY DISCUSS THE NOTION OF ANY NEW GAMBLING CASINOS IN OR NEAR THE CITY OF PERTH.

I understand that the Lord Mayor of Perth has agreed to convene a meeting. I mentioned that to indicate that many people are concerned about this issue, and that before the Government pursues it, it should endeavour to ascertain the views of the public by holding a referendum on this issue.

I raise the question of existing developments. Currently in Western Australia, all sorts of buildings are under construction. The Merlin Hotel complex has just been, or is about to be, completed, and other hotels are proposed. We are talking in terms of a huge new tourist complex which, of course, will be in competition with those hotels. Obviously, when one is thinking in terms of employment, one realises it is absolutely necessary that the building construction industry be given maximum support, but at the same time we must take into consideration the fact that when buildings are completed, we must ensure they are filled. We do not want a situation such as that which occurred in South Perth in relation to the building of the big modern hotel, the Westos Motor Inn. For years the major portion of the building had to be closed because the custom was not there.

Recently, a top hotel casino expert visited Western Australia and made a comment which was reported in the *Western Mail* on 17 March under the heading "Warning on hotel development". The individual concerned was David Dorf, education and training director for the International Hotel Sales and Marketing Association of the United States. He has a top job in

that field, and his comments are worthy of consideration. The article reads as follows—

PERTH should be wary of a hotel development explosion and Government plans for a casino, a US expert said yesterday.

The city could not rely on the America's Cup for a sustained increase in the number of visitors and a casino could deter some sectors of the market, such as families, he said.

That is particularly significant because it comes from a world authority on this issue. This world authority said a casino could deter some sectors of the tourist market.

The article continues—

Mr Dorf stressed the need for in depth justification and marketing studies before making a commitment to a casino.

That, of course, is something the Government has not attempted to pursue. The next point is tremendously important to the issue we are considering. The article further states—

Casinos were now fairly commonplace throughout the world so the local market was often the dominant one.

He went on to say—

"However, I would be wary of a casino as a purse-pulling venture," he said. "It tends to drive away the conservative tourists".

We are building or proposing to build a casino without having conducted any of the market studies which are so necessary before a project of this kind is undertaken at a time when this world authority, who recently visited Australia, tells us that it could drive tourists away. One mentions that point to emphasise that when one is thinking in terms of a casino, it is not sufficient for one simply to pluck something out of the air and to say, "It will be sited there and we will go ahead with it". The proposal must be examined in much more depth than that.

I move on to the question of Government ownership of things such as casinos. Obvious dangers exist in this area and one is that the Government will be called upon to find any deficit that may ensue. It would be extraordinary if the casino were to run at a loss, and the WA Government were called upon to make a contribution to those losses. Then again, in a casino the risk of corruption is present and that would also mean the Government would be implicated. That is another of the dangers of a Government's being involved at any level in a casino.

There has been some sort of suggestion that the TAB organisation will run the casino, and will have the power to cancel the licence of any casino

operator. In one's wildest dreams, could one imagine the TAB cancelling a licence for the casino if the Government were a part-owner of that casino?

I understand that we are to build a \$10 million marina at Fremantle for the America's Cup. If this Parliament approves a casino, why not let a developer build a \$10 million complex at Fremantle and put the casino there—at least the State would gain by obtaining the marina which it requires and would not have to pay the \$10 million to construct it—rather than our having a casino of that kind on Burswood Island?

Other members are no doubt anxious to speak, so I conclude my remarks by emphasising once again that the Burswood Island site is a choice piece of real estate. It is one of the best remaining pieces of real estate in the City of Perth. It is easily accessible from the city and is on the banks of the beautiful Swan River. It was set aside 29 years ago as a future sporting complex. If at this late stage we are to opt for development—I have no quarrel with that, but I do not support a casino; I am wholeheartedly in favour of the development of a tourist and sporting complex—with or without a casino, is it not better to have a development which is 100 per cent Australian-owned? Is not that argument sufficient to persuade the Government to say, "We will throw all applications open again. Those who have put in their applications in the past have no special claim to be the only ones who should be able to tender for this site". The Government has recently decided to do that. That land has never been available to anyone else and its allocation should not be confined to a handful of individuals who one year ago made application to establish a casino in Western Australia.

I do not condemn the Government for going ahead with the proposal to develop Burswood Island—in fact, I applaud it for that—but I do not agree with the establishment of a casino development on the island. I agree with the establishment of sporting complexes or tourist facilities, and such projects would have the support of most people. By all means, let the Government go ahead with such a development, but it must ensure that if it does go ahead with that project, all Australians have an opportunity to come forward with a multitude of options. Without question, not only would we have an Australian-owned complex, but also it would be the best we could possibly obtain.

MR HASSELL (Cottesloe—Leader of the Opposition) [7.45 p.m.]: The Government has approached the matter of the possible development of a casino in Western Australia from completely

the wrong end and in doing so it has opened the way for insincerity, jealousy and corruption—the very issues about which members of the Opposition have been concerned and on which we have spoken for more than a year.

It is clear that the Government, in its desire to establish a casino, has sought to lead the public down the path to that conclusion without at any time being prepared to confront the major and basic question in Parliament—the proper place in which we should decide whether we should have a casino.

As the member for South Perth has pointed out, we have seen a succession of announcements, hints, leaks, innuendoes, and finally total confusion when the Government was confronted with the leaks that were not intended and apparently were an embarrassment to it. The Government has failed to take heed of its own advisers. It has failed to take heed of the people it appointed to consider the issue properly—not the divided opinion of those people who have a unanimous opinion.

This Parliament, which has the obligation to make a decision, has never been given the opportunity. If there were to be a casino in Western Australia the Government should have proceeded with clear and distinct steps.

The first of those steps should have been the presentation to Parliament of legislation to approve the establishment of a casino in Western Australia. Secondly, the Parliament should have authorised the Government to call for proposals and approve an application which satisfied the law in relation to the establishment and operation of a casino. The Government has not carried out that operation. Instead it began months ago with no parliamentary approval and no guarantee that any approval would be given to seek submissions—submissions costing a substantial sum of money in each case; submissions which involved extensive inquiries and architectural and engineering studies; submissions which generated extensive thought that a casino would be established.

The Government knew full well that each of those organisations which made submissions would become increasingly committed to the establishment of a casino and would become a lobby group. What the Government did was to set out, and it did, to create a lobby group among business interests seeking the establishment of a casino, instead of first going to the elected representatives of the public to decide whether the establishment of a casino was to occur at all.

If the Government had wanted to establish a casino, it should have presented a law which said this Parliament approved the establishment of a casino. The Government would have been authorised to call for proposals. Simultaneously, the Government should have presented legislation to establish a gaming commission and that legislation, if passed—assuming legislation was also passed to approve the establishment of a casino—would have provided that the gaming commission should appoint members to it who were completely above reproach and corruption. Those members would have to stand apart from the possibility of influence whether undue or even by general persuasion. They would need to be people who could judge the matter dispassionately and would need to be apart from the commission's pressures and the Government's desire for influence and a part in the casino.

In addition, the gaming commission should have been given power to license an operator under defined and stringent conditions. Those conditions would be approved by this Parliament and would be stringent and clear-cut like those that apply in the United Kingdom and other countries where casinos are established.

I am not suggesting that I am proposing a casino should be established. That is a matter on which the Opposition will express its view either individually or collectively, if and when the Government finally decides to present to this Parliament—the elected representatives of the people—its proposals in this respect. Up to date that has not been the case. The Government has gone backwards down the back door, behind the scenes and has created an air of uncertainty, as was evidenced by the ultimate confusion and panic which occurred last week. The confusion and panic was aptly illustrated by an answer to a question in the Legislative Council on Wednesday, 4 April. The Hon. P. G. Pandal asked the following question of the Leader of the House—

Will the Premier give an unequivocal assurance that the Government is not considering allowing a casino to be built at Burswood Island in my province?

The Hon. Peter Dowding replying on behalf of the Leader of the House said—

The report of the Government casino advisory committee is with the Cabinet subcommittee. No decision has yet been made.

Mr Dowding then added the following—

I have a rider to that. The committee met today and that decision has been made and announced to the Press.

What kind of a Government are we operating here? What kind of panic, confusion and unsatisfactory approach is that to a question which concerns a great number of Western Australian people. It was a question which related to a fundamental policy issue on which many people in this State had expressed very strong views over a long period. Yet, we have this humbug going on—we have had leaks, counter-leaks, reports, suppression and then release of reports, reports that come and reports that go, but the information we have been given has no relevance to the way in which the Government is going about this matter. None of these reports has been followed up and the warnings have not been heeded by the Government. The Government's publicity of half-disclosures and half-truths continues. Had the Government followed the procedure of the implementation of two Statutes, it could then have negotiated with any applicant it preferred who would be able to satisfy the gaming commission that he would be able to obtain a licence.

Those were the three simple steps that should have been followed, but were not. The first step was to present the legislation and I am presuming that that would not have been done until the Government had duly considered the report from the Government casino advisory committee of 1983.

Having reached that stage I am presuming the Government would have proceeded with the presentation of law to decide whether it would have a casino and which would authorise the Government to negotiate with applicants who could satisfy the gaming commission accordingly. The Government could then present a gaming commission Bill to establish a gaming commission which would comprise members who were above and beyond reproach and corruption and who would have the power to license an operator under defined conditions.

The Government would have been free to negotiate with any applicant it preferred who would be able to satisfy the commission that he would be able to obtain a licence.

As I have said, the Government has gone about the casino proposal backwards. It has not sought a parliamentary decision and it does not intend to follow the unanimous advice contained in the recommendations of the casino advisory committee.

I refer now to that report which, as the member for South Perth has already indicated, was commissioned by the Government. The first sentence of the report states—

The Advisory Committee is equally divided on the issue of establishing casinos in Western Australia.

It continues—

Both the Commissioner of Police and the representative of the Crown Solicitor are opposed to the introduction of casinos and their respective views are attached as Appendices C and D of this report. The Director, Department of Tourism, is in favour of a casino and his views are contained in Appendix B. My detailed report appears as Appendix A.

The committee could not agree on whether there should be a casino. However, the committee did agree unanimously on what would happen if a decision to establish a casino were made. That appears very clearly on page three of the report. It is worth noting the view of that committee—the Government's own committee—which was not followed by the Government. It reads as follows—

The Advisory Committee agreed that if a policy decision was made by the State Government to permit the establishment of casinos, the following course of action, prior to any negotiation or discussions taking place with prospective licensees, is recommended.

The Government has completely ignored the unanimous recommendation of its own inquiry. The Government has failed to take account of the carefully considered views, not only of the Commissioner of Police and the Crown Law Department, but also of the Director of Tourism and the Director of Administrative Services concerning the establishment of a casino. Even those members who opposed the establishment of a casino said that the procedures as outlined in paragraph 10 of the report should be followed prior to any negotiations or discussions concerning the approval of licences. The recommendations read as follows—

(a) The Government should by legislation—

In other words, by coming to Parliament. To continue—

—establish a Board or Commission with the authority to license and control the establishment and operations of a casino or casinos in Western Australia.

(b) Any casino should be owned and operated by private enterprise under strict control by Government.

All major reports in Australia have recommended against Government ownership of casinos and the Committee agrees with this view.

However, we know full well that the Government is contemplating an involvement in this casino. The Government is seeking to establish that involvement deliberately by allowing a casino on Government land. If it is on Government land, the value of that land can be taken into account to give the Government a free carried interest. We have had a whole series of speculations and leaks about that.

On page three, paragraph 10 reads in part as follows—

- (c) The prospective licensee company should be owned and operated by Western Australians as far as is practicable.
- (d) Any licensee should be granted exclusive rights to casino operations for a specified period and within a stated geographic area.
- (e) Specifications for the casino complex should be detailed in the conditions.
- (f) The conditions should also detail the method of taxation and/or license fees.

As I have said, the Government has gone about it backwards. It has opened the way for uncertainty, doubt, and corruption; nothing is more sure. Every report in the world tells us that each time a casino is established people try to corrupt it because they have a vested interest in doing so, whether they be members of the Mafia in America or people here. Every report on casinos advises that if one wants to avoid corruption, one must have the most stringent controls by independent people, out of the political process and away from the influence and the back door. It should be operated in the open under the glaring eye of independent laws which control it, laws which are established by Parliament, but are not part of the politically influence charade which has been going on.

The Government is apparently seeking—I say “apparently” because it is not clear-cut—to involve itself in a casino one way or another on Government land without the approval of Parliament having gone through a process of selection, apparent deselection, panic, and announcements forced by Press leaks. It is opening the way for

the most undesirable influences and elements to come to power. Large amounts of money and big interests are involved. The operators are not new to the game; the Government of Western Australia is. It was more important in this respect than in any other that the Government should have gone about it in the right way. The confusion brought down on the Government's head is of its own making. I remember the then Minister, Mr Parker, saying to the House quite genuinely that it was easier to find the local authorities that did not want a casino than those that did because there were so many that did want it.

Speculation has been built up over a period of more than 12 months—that is, from the beginning of the Government's term—about the possibility of a casino. Questions have been asked such as will it be here, will it be there, will it be on the Scarborough foreshore, with Bond, with the Asians, will it attract tourism, who has the most influence with the Government this week, who is in favour, who is not in favour, who is friendly with the Minister's adviser, who is the Minister's adviser, where does he come from?

Mr Laurance: How many are there?

Mr HASSELL: No-one knows how many there are. It will be easier to predict the throw of the dice than to estimate the number of Government advisers.

Much has been said by the member for South Perth who has presented a reasoned case. We are not pre-empting the final decision which has yet to come to Parliament. However, it should not be the last decision; it should have been the first.

If the Premier genuinely wants to establish a casino in Western Australia, if a casino is in the interests of this State, there is one sound, sincere piece of advice from the Opposition: Start again. Wipe the slate clean and do it in the way the Government's own committee advised. Start with two Bills: one to establish a gaming commission and to authorise the establishment of a committee and authorise the Government to negotiate—

Mr Brian Burke: They did not say we should establish a commission.

Mr HASSELL: They mentioned a board or commission.

Mr Brian Burke: Yes, that is right.

Mr HASSELL: Is there some distinction of substance?

Mr Brian Burke: The only distinction is if you read properly instead of trying to score political points. If you read it properly page three falls into line with what has been done. I will go through in a moment and explain it.

Mr HASSELL: I will go through it for the Premier. Paragraph 10 states—

The Advisory Committee agreed that if a policy decision was made by the State Government to permit the establishment of casinos, the following course of action, prior to any negotiations or discussions taking place with prospective licensees, is recommended.

Is the Premier suggesting that there have been no negotiations or discussions with prospective licensees?

Mr Brian Burke: Not outside the context of this report, no. This report was compiled after the submissions were received.

Mr HASSELL: The Government has carried it forward.

Mr Brian Burke: I wonder if you understand the point; I will explain further. This report was produced after that period in which you say were placed those negotiations and discussions. This report was produced afterwards and cannot be referring to those, otherwise these people are silly, surely? It states, "once the policy decision has been made and before negotiations or discussions continue". Let us look at these points. Once the policy decision has been made applications are called. At the end of that period presumably there will be negotiations and discussions in terms of this report.

Mr HASSELL: The Premier was talking about a casino in January and he was also talking about it in December and in February.

Mr Brian Burke: When was the policy decision made? That is what page three refers to.

Mr HASSELL: I assume the policy decision was made at the same time that the Government sought submission of proposals.

Mr Brian Burke: On what do you base that assumption?

Mr HASSELL: I would be staggered if the Government called for submissions and proposals if it had not made a policy decision.

Mr Brian Burke: You will not only be staggered, you will also be shocked because you have not seen the advertisement that elicited those submissions. I am sorry you have not read it.

Mr HASSELL: I have read the advertisement.

Mr Brian Burke: You will see that no policy decision has been made in respect of casinos. When do you think the policy decision was made?

Mr HASSELL: The Premier should tell me.

Mr Brian Burke: It was made on 3 April or 4 April, on the day the Cabinet met, prior to the

news being, if you like, "leaked" or released to the public. If you believe it was not, I suggest you support your argument by telling me when it was made.

Mr HASSELL: I believe the policy decision was made well over 12 months ago. It may not have been made by way of a formal Cabinet minute; but on election the Government was committed to casino development. It sought submissions for a casino because it wanted to have a casino. Otherwise why would it seek to have people make submissions?

Mr Brian Burke: If what you say is correct—and it is not but you will never believe it—how then can we be hoist upon the criticism of not taking the advice contained in this document when the policy decision was made and yet those submissions which you say amount to negotiations and discussions were entered into prior to our receiving this advice? You say we are ignoring the advice by doing things we did before we received the advice.

Mr HASSELL: I have not said that at all and that is part of the Premier's misrepresentation. I have said the Government has gone about this casino issue backwards.

Mr Brian Burke: That is the general point. Will you answer the specific points? You do not appear to be able to do so.

Mr HASSELL: I have said previously that the starting point for having a casino is this Parliament. If the Government wanted a casino it should have made a decision in Cabinet and presented legislation which authorised it to call for submissions.

Mr Brian Burke: That is your view about a point which is different from the one made a moment ago.

Mr HASSELL: If the Premier reads my notes he will see I made my points about the procedure which should have first been followed. The Premier is becoming confused about time. I referred to the Government's committee. I made those points first without referring to the committee because I have been advocating that procedure publicly for well over 12 months. I did not get my ideas about the procedure the Government should follow from the report which did not come out until February.

Mr Brian Burke: That is the point I am making. All negotiations and discussions which you talk about took place prior to that report coming out. How could we contradict a report that had not been published?

Mr HASSELL: Are you suggesting no negotiations took place between the Government and

any group or individuals between November and the release of this report?

Mr Brian Burke: There were none in terms of this report which amounted to negotiations or discussions that could contradict the terms of page three of the report. That is as clear as I can make it.

Mr HASSELL: The Premier says there were no negotiations or discussions that contradicted the terms of this report.

Mr Brian Burke: Of course, people were continually making inquiries. The study was proceeding in respect of Burswood Island and that elicited questions. All kinds of approaches were made to the Government as you will appreciate would be the case.

Mr HASSELL: I repeat that I do not want the Premier to misrepresent my position as he constantly does.

Mr Brian Burke: Do not be so puerile. You are a big boy.

Mr HASSELL: The Government started out the wrong way at the beginning.

Several members interjected.

Mr HASSELL: The Government has landed itself in a mess because it went about it in the wrong way. The starting point should have been the Parliament and the establishment of an independent body.

Mr Brian Burke: That is your view. Sir Charles Court made a number of development agreements and brought them to Parliament for ratification time and time again. Sir Charles Court did not start with Parliament when he reached agreements; after the agreements had been made Parliament ratified them.

Several members interjected.

Mr HASSELL: I do not recall that even the then Leader of the Opposition, or whatever position he then had, was advocating that Sir Charles Court, the then Premier, should not be pursuing those development agreements.

Mr Brian Burke: The principle about when they start is exactly the same.

Mr HASSELL: It is not.

Mr Brian Burke: Do you pursue it with the imprimatur of Parliament, or do you seek the imprimatur after you have pursued and finalised it?

Mr HASSELL: In this case, the Government should have proceeded only with the imprimatur of Parliament, because in Western Australia the Government was proposing a fundamental legal and social change of a very controversial nature.

Indeed, there are serious questions about the misuse of funds and about corruption. That is exactly why the Government should have proceeded that way, as did Sir Charles Court with the development agreements, with which there is no parallel.

The Government should have started with a parliamentary decision—

Point of Order

Mr BRYCE: The Leader of the Opposition is clearly ignoring that perfectly clear warning you gave the House only two days ago. If he has said it once, he has said it a dozen times in the last 10 minutes. It is tedious-to-the-point-of-boredom repetition of the highest degree.

The SPEAKER: I accept the point raised by the Deputy Premier, but I also said a few other words yesterday about interjections.

Debate (on motion) Resumed

Mr HASSELL: I will not infringe on your ruling, Sir; but I am trying to put an argument and I have not been able to put it together—

Mr Brian Burke: As usual.

Mr HASSELL: —because of the interjections.

The SPEAKER: Well, ignore the interjections.

Mr HASSELL: I will do my best, but you must restrain the Premier.

Mr Brian Burke: The Premier, even in his weakened state, is the soul of sunshine. The only thing interesting about your speech is my interjections.

The SPEAKER: We can do without the interjections.

Mr Brian Burke: I agree, but it is a boring old drink without them.

Mr HASSELL: The Government should have begun with legislation in two parts. The first part should have authorised the establishment of a casino, and the second part should have authorised the Government to negotiate with the developers. A separate but simultaneous piece of legislation should have established a commission—it does not really matter whether it is called a gaming commission—with independent members who are not subject to ministerial or Government direction; who are totally separated from Government influence and, indeed, from the influence of any person; who are uncorruptible people above reproach; and who are people of the calibre of those who would be appointed as judges or other distinguished roles.

That commission would have had two functions, the first of which would be to consider

all of the applicants who applied for a casino licence under the Government's authorisation to call for applications, and to determine in advance whether any or all of them would qualify to obtain a licence. That having been done, the Government would then be free to conclude negotiations with any one of the applicants for a development agreement, knowing that that applicant would be able to obtain a casino licence. The second function of the gaming commission, whatever it be called, which would have been given very great power by the Parliament, would be both to license an operator under defined and stringent conditions and to supervise and control any casino operation. That is my view—one that I have expressed before—about how the Government should have gone about the issue from the beginning.

In November 1983, the Government's committee delivered to it a report which was divided on the question of whether a casino should be established, but unanimous on the procedures that should be followed if a casino were to be established. At that time, the Government had called for and received a number of submissions suggesting the establishment of a casino. Yet between November 1983 and April 1984—and heaven knows how long hence from now—the Government did not seek to follow the unanimous advice of its own committee as to the procedure that should be adopted if a casino were to be established.

It does not do the Premier any good to say that the Government simply called for applications and then did not negotiate, because only the other day the Premier announced that the Government would re-call applications on the basis that all the people who were interested in establishing a casino should have an opportunity to make a submission on the basis of using Burswood Island.

It is interesting that the Premier should have mentioned earlier that there never was a decision to have a casino until 3 April—

Mr Brian Burke: Or thereabouts. I am not saying what date.

Mr HASSELL: It was the day the question was answered—Wednesday of last week. The Minister said that the Government was going ahead. That was question 816 in the Legislative Council on Wednesday, 4 April. The Premier said earlier that no decision had ever been made; but in the *Daily News* of 25 May 1983, nearly a year ago, the headline read—

**CASINOS: WA
GOES AHEAD**

It did not indicate that a decision had been made, but it did indicate the following—

The government will go ahead with plans for casinos in WA despite Victoria's decision to back away because of fears of organised crime.

The Victorian Government yesterday announced it would not allow a casino after tabling a report to Mr Xavier Connor, QC, which warned of organised crime already in that State.

In WA, a Cabinet subcommittee is about to advertise for casino submissions.

The minister responsible for legal gambling, Mr Parker, said today Victoria had a different problem from WA.

"I don't think there is any evidence of existing organised crime in WA," he said.

I could go through many other cuttings.

Mr Brian Burke: Where does that story quote somebody as saying that the casino will go ahead, apart from the first paragraph? It did not quote anybody as saying that that was the case.

Mr HASSELL: I did not say it did.

Mr Brian Burke: What is the point?

Mr HASSELL: When we were exchanging remarks across the Chamber, I said that in my view the Government had proceeded on the basis that it would establish a casino, and that even if the Government had advertised on the basis of not actually committing itself to any particular casino, I could not see the logic of that because of the suggestion that the Government would advertise for casinos without having the intention to establish one. Presumably, the Government had made some kind of decision to have casinos in Western Australia.

Mr Brian Burke: I can understand your point perfectly. Where it falls down is simply that you cannot draw logically from that advertisement any policy decision by the Government to proceed to establish or to license one or more casinos. I can only explain that to you again and again.

Mr HASSELL: I accept the point the Premier has made.

Mr Brian Burke: The next point is that your argument depends upon the words "policy decision" on page 3 of that report.

Mr HASSELL: No, it does not. My argument does not depend on that at all. We are not in a court of law, interpreting an advertisement as if it were a Statute. We are in a real political situation in which, for more than a year, the elected Government of this State has talked about, sought

submissions on, and considered applications for the establishment of a casino. It just is not credible for the Premier to sit here tonight and say, "Well, we never decided on a casino until last Wednesday". It just does not carry credibility. Does the Premier understand that point?

Mr Brian Burke: I can understand your point and why you are so aggrieved, but you are going further than that. You are basing your discussion on the presumption that we will have a casino. You are wanting us to advertise more widely and for longer periods.

Mr HASSELL: No. The Premier has the wrong idea of the motion. Very clearly, the motion says that those things should happen. The motion is in the context of the Premier's announcement last week that the Government would ask all the people who have made submissions on casinos, whether they were for Secret Harbour, Scarborough Beach, or wherever, to make a new submission on the basis of a Burswood Island construction. That is what the Premier's announcement said; correct?

In that context, the motion was moved; and if the Premier looks at it, he will see that there is a very important proviso to the terms of the motion, and that proviso reads as follows—

but that these steps should not be taken unless and until—

(a) Parliament has approved the establishment of a casino in Western Australia—

It has not done that. The proviso continues—

and

(b) if so approved—

The Premier challenged me a minute ago to say that our motion assumed a casino would be established. Paragraph (b) of the motion reads—

if so approved, a licensing and control law which seeks to eliminate any corruption or vice associated with a casino has been approved by Parliament.

There is no presumption—

Mr Brian Burke: The emphasis of the motion is not on the question of whether there should be a casino. You have not moved a motion saying there should not be a casino.

Mr HASSELL: That is true.

Mr Brian Burke: You have not moved that there should be one.

Mr HASSELL: True.

Mr Brian Burke: The emphasis and tenor of the motion—

Mr HASSELL: We say the Government has messed it up.

Mr Brian Burke: You often say those sorts of things. The tenor of our position—and you have criticised us for talking up the casino, and I can understand your chagrin at that—

Mr HASSELL: Why should I have chagrin? I have been saying for 12 months that the Government has not been handling the issue correctly.

Mr Brian Burke: I can understand your chagrin, because I guess you think you have been presented with a *fait accompli*. I can only say to you again that no decision was taken by the Cabinet until its meeting on Monday a week ago, and even then, as I explained later, there was to be no announcement about it because it had to be referred to the Caucus. Indeed, there were a few very strongly divided opinions on the question.

Mr HASSELL: And Caucus made a decision a week ago?

Mr Brian Burke: That is correct.

Mr HASSELL: That is interesting, in view of some of the answers received to parliamentary questions.

Mr Brian Burke: But that is not exclusively the prohibition on the decision that was made and its announcement.

Mr HASSELL: This is what the Premier's Minister said in the upper House on Wednesday of last week—

The report of the Government casino advisory committee is with the Cabinet subcommittee. No decision has yet been made.

The Premier has now admitted that a decision was made on Monday of last week.

Mr Rushton: He misled the House.

Mr HASSELL: Is it true or is it not?

Mr Brian Burke: I have just tried to tell you that not only was the matter addressed by Cabinet on Monday, but also it was addressed by Caucus on Tuesday. It was not scheduled to be confirmed by Cabinet until 9 April, when the decision would have been finalised except for the publicity that occasioned the Government to make public the decision prior to 9 April.

Mr HASSELL: Why did the publicity occasion the Government to do those things?

Mr Brian Burke: It had been reported on the front page of the *Daily News* that a decision had been made.

Mr HASSELL: Which the Premier has just confirmed.

Mr Brian Burke: It was reported that a decision had been made. The decision made on Monday was subject to the Cabinet meeting on 9 April, and a number of things that were due to be done to confirm the decision could not be done because of the prior publicity. I will go through it in detail shortly.

Mr HASSELL: The Government is still going about the matter in a very peculiar way. Last Wednesday it announced that all the people who had expressed interest in a casino were now to be invited to make new submissions in relation to Burswood Island, and that the TAB would decide at a later date who would get a licence.

Clearly, the Government's intention all the way through has been that it would decide who the developer would be. Nothing in last Wednesday's announcement varied that.

What I find extraordinary is the suggestion that the TAB would later decide who would get the licence, because quite clearly no-one would be prepared to undertake the development unless he knew in advance he would get a licence. I do not understand the way in which the Government continues to go about this matter. The Government's own interest would be best served by supporting this motion and following the recommended procedure—recommended not only by us over a year ago but also by the Government's own advisory committee. That advice was received in November and the Government could have acted on it because Parliament sat as late as 22 December last year. Had there been any genuine need to do the thing properly, the Government could have done so.

MR BRIAN BURKE (Balga—Premier) [8.33 p.m.]: The member for South Perth made a contribution that was a bit difficult to follow in its continuing theme, but I will attempt to address each of the points he raised one by one without wearying the House. However, it is necessary at the outset to say to the Leader of the Opposition that his own point was extremely difficult to understand. While it may be true that the member for South Perth did not raise anything much that was new—most of the things he touched on had been raised previously one way or another—the Leader of the Opposition, deliberately or otherwise, sought to mislead the Chamber into thinking that, leaving aside his major point, the Government had ignored the unanimous advice of its casino advisory committee. This point cannot be made clear enough for the Leader of the Opposition because, whether or not he understands what he is doing, he has deliberately misstated the case.

On page three of the report, that unanimous advice to which the Leader of the Opposition refers is contained in the lower three-quarters of the page. I will go through the recommendations point by point. I quote as follows—

The Advisory Committee agreed that if a policy decision was made by the State Government—

It was made by the State Government, and I will explain the circumstances. The decision was made in these steps. On the Friday prior to last Monday week, the subcommittee met and decided to recommend verbally a certain course of action to the Cabinet. On the Monday, the Cabinet met and decided on a certain course of action that would be confirmed on 9 April—which was the subsequent Cabinet meeting—with confirmation to be the subject of Caucus consideration.

Mr MacKinnon: Verbally or by Cabinet minute?

Mr BRIAN BURKE: Decided and minuted in the normal way. It is true that the Government was embarrassed by the newspaper reports which said this, this, and this. I was at pains to point out last week that those who predicted that a certain person was advantaged or that a certain company was advantaged were likely to be embarrassed by their predictions. As it came to pass, they were.

But in that context let me deal firstly with what the Leader of the Opposition said when he referred to the discussions and negotiations that proceeded—presumably he was talking about last year—contrary to this unanimous advice. This unanimous advice post-dated those discussions and negotiations.

Mr Hassell: Not all of them.

Mr BRIAN BURKE: I can only say this: It was not the case of our having unanimous advice, embarking on the process of receiving all these submissions, and then discussing and negotiating. We could not ignore unanimous advice we received after that process had been completed except for the normal discussion, approach, answer, rejoinder, etc. that might be expected.

But leaving aside that time inconsistency in the Leader of the Opposition's argument, let us look to the wording of the committee's recommendations. I quote as follows—

The Advisory Committee agreed that if a policy decision was made by the State Government to permit the establishment of casinos, the following course of action, prior to any negotiation or discussions taking place with prospective licensees, is recommended.

No negotiation or discussion will take place with prospective licensees until after 31 May. The legislation will be brought to this place before that deadline lapses, so if Parliament decides it will not pass the legislation, no discussion or negotiation will take place, because the deadline does not pass until 31 May. We will be in a position of having brought the legislation to Parliament, which is what this advice recommends, prior to that negotiation or discussion proceeding.

Another central point of this advice is that a board or commission should be established. The Leader of the Opposition freelances out into saying that this means we should set up a commission. It does not mean that. It means there should be established a board or commission that should licence and control the establishment and operation of a casino or casinos in Western Australia.

We have announced already that the TAB will have this responsibility. The TAB is a board with experience. It is charged with responsibility in these areas already and it has not drawn the criticism of the Opposition in the past. Further, it is at arm's length from the Government. If someone wants to impugn the character of Mr Jarman as being someone open to corruption, let that person say so. Let him hint that the TAB comprises corruptible people. Let him say it if that is what the Opposition means.

Mr Hassell: No-one is saying that.

Mr BRIAN BURKE: The Leader of the Opposition can hand it out, but he cannot take it. In terms of the first of these unanimously recommended subclauses, the board is established and it is at arm's length from the Government. We believe Mr Jarman and his colleagues are incorruptible. If they are not, they should not be operating as they are now in supervision of many more millions of dollars than will come their way in the supervisory sense as a result of this decision.

The next unanimously recommended subclause reads—

Any casino should be owned and operated by private enterprise under strict control by Government.

We have not said that we intend to seek any equity. The Leader of the Opposition ducked and dived around that point without being able to say more than, "It is true that the Government has said it is not going to seek equity, but it has not said it is not going to". That was the Leader of the Opposition's point. What I said consistently in respect of this matter was that we were not imposing conditions that limited the flexibility, the

imagination or the innovation that came to be brought to bear by people making submissions.

Mr personal view is that we should not have equity in the casino, but I am not seeking to limit the innovation that is brought to bear in submissions that come to the Government in the same way as the Opposition has said previously that we should stipulate this and this. If we stipulate those minimums, they will become maximums. Already this development promises so many more jobs and so much more investment in terms of tens of millions of dollars that it is something to which the Opposition should accede at least the economic benefits which the Government believes it represents.

I am going through these recommendations one by one, and there is one we are not accepting. The next one reads—

The prospective licensee should be owned and operated by Western Australians as far as is practicable.

We have not said that should not be the case and we have done nothing to say it should not be the case. The next recommendation is—

Any licensee should be granted exclusive rights to casino operations for a specified period and within a stated geographic area.

We have not contradicted that, but at the same time we have not said that this is going to be a prerequisite. I quote again—

Specifications for the casino complex should be detailed in the conditions.

We reject that. If the Opposition thinks that we are bound to accept all the unanimous recommendations, let me tell it that we do not. We are not interested in maximising, for the people who would seek to establish the casino, the commitment they will be required to make. The Opposition preaches the benefits of free enterprise and the competitive spirit in this matter, yet it wants to push the State into the first possible deal imaginable by having us say to people, "These are our specifications for the casino complex".

Some of the submissions received provided for the people to establish a casino in an existing hotel. On the other hand, one submission indicated that its group would spend in total \$320 million. Does the Opposition want us to limit the commitment people are prepared to make? To do so is to satisfy members opposite by having the Government accept this particular unanimous advice.

The last recommendation was—

The conditions should also detail the method of taxation and/or licence fees.

So not only in terms of the subclauses is the Leader of the Opposition wrong, but he is wrong also in terms of the general point about discussions and negotiations taking place before a policy decision is made. The policy decision was made during that process to which I have referred. In addition, the closing date for submissions is 31 May, presumably after which there will be discussions and negotiations. So could anyone claim sensibly that we have not complied with that general—not specific—list of recommendations?

I come back to the points made by the member for South Perth, and I will try to touch on them one by one. In a general sense, I put it to the House that the Government has made a policy decision to issue one casino licence, and it has said that the licence should be issued in respect of Burswood Island. The decision was made subject to the satisfaction of the planning, environmental and transport safeguards that the site might involve. Straightaway out of the window go all the member for South Perth's arguments about whether it is possible to build here or there or whether if something is built a certain effect will result.

What we have said is that the decision to use the Burswood Island site is subject to those safeguards being met. I cannot see how the member can say that somehow or other the result is that we are ignoring the effect of all those safeguards, because it is in the second paragraph of the Press statement announcing that decision.

Mr Grayden: I did not say you were ignoring them.

Mr BRIAN BURKE: We have accommodated them; I think that is clear. The member for South Perth went on to say that the matter had been presented to Parliament as a *fait accompli*. All I can say is that if the Opposition believes the process by which this matter was canvassed publicly amounted to the development of a *fait accompli*—accompanied by the lobby groups the Leader of the Opposition referred to—there was no policy decision taken until that Cabinet meeting I referred to, and considerable discussion occurred within the Parliamentary Labor Party as to whether there should be a casino. It is as simple, or as difficult, as that. No decision taken secretly months ago marched silently down through the months until last week.

The decision was taken only within the last week, and on that basis it is simply nonsense to say that a *fait accompli* had been agreed anywhere except in the minds of the Opposition. I repeatedly expressed my point of view which was

that I did not think one casino licence would dissipate the community. I did not think that one casino licence would be the undoing of our children. I said consistently that that personal view was subject to the sanctions of the Parliamentary Labor Party being securely put on the announcement or the making of any decision on this matter. I have said that consistently.

There may have been a *fait accompli*, but it was only in the minds of the Opposition. If the Opposition was outmanoeuvred on the matter, that is its own understanding of it. It is not the Government's job to do the Opposition's criticism or constructive substitution of policies.

The member for South Perth contradicted himself when he said one organisation was favoured, and then in the second half of his speech he said the same organisation had been put at a disadvantage. He said one organisation had been favoured because that organisation was allowed to put in new submissions, and then it was being disadvantaged.

Mr Grayden: I think you misunderstood. I did not make any reference to that.

Mr BRIAN BURKE: I have it written down here. One organisation was "a front-runner"—they are the words of the member. One cannot have an organisation which is a "front-runner" and also the organisation which is relegated to the rear as a result of the Government's decision.

Mr Grayden: I did not say it had been disadvantaged.

Mr BRIAN BURKE: I heard the member for South Perth say that the organisations which nominated Burswood Island should be allowed to amend their submissions, because it was unfair not to allow them to amend them. If it is unfair, they are being disadvantaged.

The point I am trying to make is that we are being criticised on all fronts—for favouring an organisation, and then it is disadvantaged and we are not favouring the same organisation.

Mr Grayden: I think you misunderstood.

Mr BRIAN BURKE: That is the understanding I got from the member's contribution.

The member for South Perth spoke about trading in shares and the fact that he believed insufficient efforts had been made to ensure that it was a 100 per cent Australian equity. He said also that Burswood Island was zoned for parks and reserves.

I do not know how fairer one can be than this: To announce that policy is to approve one casino licence; to say that all of the people who put in

submissions in respect of other areas for the development of a casino should be now prepared to put in submissions in respect of the site the Government had nominated; to say that those submissions would be accepted until 31 May 1984, and in that period legislation would be introduced to give effect to the Government's policy, and also that all submissions received would be made public, together with the Government's reasons for choosing one or another of those who had submitted a proposal.

I do not know how much fairer one can be than that. The Government has bent over backwards in an effort to eliminate that massive problem the member foresaw.

Not only did we warn people, but also the company involved wrote to the Stock Exchange stating that even if the principal did get the licence for the casino, the shareholders of the company would not benefit. Not only did all those warnings take place, but now all the smarties have been told—

Mr Grayden: That was after it was brought up in this House.

Mr BRIAN BURKE: It was in response to its being brought up in this House. That was on the Monday or the Tuesday. That was the occasion which presented itself.

All of the smarties who wanted to predict that, and all of those people who wanted to say, "We have a casino licence, we are certainties", etc. have been told they are back into the pot. There is nothing fairer than that. Every single submission will be made public.

Mr Grayden: Why not go further now that you have decided; why not throw it wide open?

Mr BRIAN BURKE: That is the next point I will deal with. When these advertisements elicited the responses initially, the advertising was national.

Mr Grayden: A lot of firms would be interested in the sort of construction you want at that particular site.

Mr BRIAN BURKE: I do not know that they would, but I do know that the national advertising elicited 17 responses, and those people are now being told the site and that they can now put in submissions in respect of that site. One cannot be fairer than that.

Mr Grayden: I appreciate that, but what I am concerned about is the 100 per cent Australian equity.

Mr BRIAN BURKE: Let us look at 100 per cent Australian equity. Let me give this guarantee to the member: The Government will be seeking

the maximum possible Australian equity and the maximum possible Western Australian equity.

Mr Grayden: That is splendid.

Mr BRIAN BURKE: If the member wishes me to make a particular condition that it should be 100 per cent Australian equity, I cannot do that.

Mr Grayden: I am happy to have that assurance.

Mr BRIAN BURKE: The member for South Perth knows that we will do our best, in line with everything we have done as a Government, and in line with our party philosophy and policy to have the maximum possible local equity. We have not got to the deadline when we look at the submissions and say, "This submission we think, in terms of the facilities provided, is the best. However, we want a public company; we want it partly floated off to the Western Australian public; we want maximum Western Australian participation and we want these matters included in addition to those facilities". Those considerations rightly rest with that post 31 May period. One could have a list of things five miles long and have details that would constrain people if one wanted, and that would make the whole matter cut and dried, prior to any submissions being received. We are saying that on 31 May, if Parliament passes the legislation, the matters we think are priorities, including the arrangements with the people we think put in the best submissions, will be attended to.

As far as the facilities and the operating licence for the casino are concerned, the Government has addressed the matter differently, because they are different matters. I do not know how anyone can claim the TAB or gaming commission is the best body to establish the sort of tourist facilities that this development promises. It is all right to talk about a gaming commission when one is to have 15 or 20 casino licences, because that is then its job. What we are talking about is a tourist development, and the people best suited to decide what is in the interests of the State in terms of facilities is the subcommittee of Cabinet that comprises people with a responsibility in each of the areas. It is not a question of the gaming commission or the TAB saying, "We want a convention centre; we want a golf course or, we want an exhibition centre". The Leader of the Opposition is facile in suggesting that we should consign all of those considerations to a gaming commission.

We have said those considerations are rightly the responsibility of the Government in its seeking to maximise the benefit to the State. There is one area in which we do not want to be involved. I suspect the Leader of the Opposition and the member for South Perth are correct when they

say that a person who pretends to build the facilities obviously will not do so unless he gets a licence. If we agree a certain level of standard of facilities is desirable, we do not want to be involved in deciding whether the operating licence should go to the person who proposes the best possible facilities, so we are passing that to the TAB to make a recommendation to the Government. We cannot be fairer than that.

Mr Rushton: Who will be making the decision?

Mr BRIAN BURKE: It will be a recommendation to the Minister.

Mr Rushton: You have been saying for a while that the TAB will make a decision. You are now saying the Government will make a decision.

Mr BRIAN BURKE: It will make the decision on the recommendation of the TAB. All the licensing and supervisory procedures, many of which will not require Government decisions to implement—they will simply be the implementation of the legislation—will be the province of the TAB.

I am trying to draw the distinction that the Leader of the Opposition fails to perceive that the gaming commission, in the context of a number of licences being issued, has a specific and expansive role to play. When we are talking about one casino as essentially a tourist facility, the gaming commission is no better situated to decide whether the casino should face this way or that way; whether it should also have a golf course or speedway, exhibition or convention centre—

Mr Hassell: I made it clear that the legislation—the first piece of legislation—would authorise the Government to deal with the several applicants, and that the gaming commission would consider whether one or all those applicants would be eligible to get a licence, if the Government did a deal with them.

Mr BRIAN BURKE: That is exactly what the Government is doing. We are going to meet with them after 31 May, and the TAB will decide the question of the licence.

Mr Hassell: You haven't got any authority from Parliament to meet with them yet.

Mr BRIAN BURKE: We will deal with that in a moment, but let us go back to the specifics. What the Leader of the Opposition has just said is what the Government policy proposes. The Leader of the Opposition just said that the Government should deal with the four or five applicants, and the gaming commission should decide the licence. What I have been saying, in the absence of the Leader of the Opposition, is that the Government is best situated to deal with those

people putting in submissions in respect of the casino, and the TAB will deal with the licence question, which is exactly what the Leader of the Opposition says.

The Leader of the Opposition goes on to make this other point about the Government's lacking the authority. He also makes the point, as does the member for South Perth, about calling submissions that occasion people spending considerable amounts of money on engineering and other details. No-one is forcing them, and no-one is holding a gun at anybody's head and saying, "You shall put in a submission for a casino". Does the Opposition want us to interfere with private enterprise? No-one forced any syndicate or person to support the proposition in respect of a casino.

Mr Grayden: If they had known it was Burswood Island you would have had a lot more applications.

Mr BRIAN BURKE: I do not know whether that is true, because the member for South Perth spent a large part of his speech saying that we cannot go ahead and develop that site, for a number of reasons. That is a subjective assessment; the member would not know any better than I how many people will apply or who they might be. The member may believe in the back of his mind that if we had said that it was Burswood Island at the start we may have received a lot more submissions. I do not know. I suspect that a lot of submissions sought simply to use up land that people owned and which they thought would be a good casino site for two reasons: One, that they could get the casino licence and development and, two, to quit land they thought perhaps was not as profitable as it might be in their own possession. So perhaps we would not have got more for Burswood Island. I do not know and the member does not know.

Mr Grayden: Apart from the casino, can you imagine the number of firms throughout Australia that would be interested in a huge tourist complex if they had known it was to be on Burswood Island? It is different from building in the bush.

Mr BRIAN BURKE: I can imagine, guess, believe, and feel, but none of those things provide any hard answer to the question the member posed. I do not agree with him that had Burswood Island been the original site we would have attracted 100 submissions instead of 17. But to all those who put in a submission the Government has extended unfettered—except in the case of those who originally nominated the site—the opportunity to put in a submission if they want to.

As well as that the Government also has said that all submissions will be made public.

As far as the casino policy decision is concerned, we do not resile from it and it is time the Opposition faced up to making a decision itself. Does it favour the licensing of a casino or not? In all this talk that has gone on, the one aspect that has been conspicuous by its absence is the attitude of the Opposition towards the establishment of a casino.

Mr Hassell: You made your decision last Wednesday; we decided two years ago not to have one.

Mr BRIAN BURKE: All right. I am perfectly happy to take on board that criticism and ask the Leader of the Opposition whether he supports a casino for Western Australia.

Mr Hassell: The Opposition will decide its attitude when Parliament gets the legislation it is entitled to expect if the Government wants a casino. We are not proposing a casino.

Mr BRIAN BURKE: Is the Leader of the Opposition saying he does not perceive there is a question to be answered about the Opposition's attitude? The one thing conspicuous by its absence is any attitude on the part of the Opposition to the question of the establishment of a casino.

Mr Crane: I oppose it.

Mr BRIAN BURKE: I am glad.

Mr Peter Jones: We made a decision in 1982 not to have a casino.

Mr BRIAN BURKE: The Opposition is opposed to the establishment of a casino. Is that what I am to understand from the Opposition's position? I am glad I am getting it on record. Tonight we learn the Opposition is opposed to the establishment of a casino. I hope that is written large because it is one thing we have retrieved from this mishmash tonight—the Opposition is opposed to a casino.

Mr Peter Jones: You have not put up a proposal! You are an absolute fool.

Mr BRIAN BURKE: I suppose if we adjourned for five minutes the Opposition could make a decision. All this toing-and-froing, this Clarence Darrow nonsense, does not hide one fact—the Opposition does not have a policy on casinos.

Mr Crane: I do.

Mr BRIAN BURKE: With the exception of the member for Moore. Does the Opposition support the establishment of a casino in Western Australia?

Mr Watt: Why not ask everybody?

Mr BRIAN BURKE: I do not know how we get away from that simple challenge to all these submissions made by the Opposition on this matter—that it has a responsibility to establish a policy. It has accused the Government of being involved in a practice for the past 12 months of creating a *fait accompli* at the same time as it says it is okay for the Opposition not to address the question.

Mr Rushton: You have a policy on homosexuality and we do not.

Mr Burkett: Don't change the subject, safe seat. You are having a dollar each way again. Safe seat Cyril!

Mr BRIAN BURKE: I agree. We have a policy on homosexual law reform and the Opposition does not. We have a policy on casinos and the Opposition does not. Is that what the member is saying—he does not have a policy? If he is saying that then I say it is about time the Opposition began to tell the public exactly what it stands for. It cannot stand for three things at once, and casino legislation is not homosexual law reform. It does not matter how the Leader of the Opposition shillyshallies around the subject and says that the Government is approaching it the wrong way. Which way is he approaching it—every way? The Leader of the Opposition does not have a policy.

Mr Pearce: They do not have a policy on who is Leader of the Opposition either.

Mr BRIAN BURKE: The Government was sorely embarrassed and disappointed by the leaking of the news in respect of its decision on the casino. The Government was aware of the trading in shares to which the member for South Perth referred. I say this unequivocally: It would never be in the Government's mind to let one hint or whiff of compromise touch its decision. For that reason all those people who predicted that Bill Smith or Joe Bloggs or someone else would get a casino licence have been put back in their boxes. Despite the leaking of the decision—if it was that and I am inclined to the view that it was not but that it was speculation knowing the decision was about to be made—the Government has clearly drawn the line that says to all those people who would presume upon a decision that they might be surprised, and in this case were surprised, that the decision was to establish a casino and to nominate Burswood Island, bearing in mind the in-principle decision was subject to the safeguards of planning, transport, and the environment. It should be also borne in mind that everybody who had evinced any interest in establishing the casino was back at the starting line—with the exception of those two who nomi-

nated Burswood Island—and will have the opportunity to put their case.

Mr Rushton: What about the City of Perth?

Mr BRIAN BURKE: I will tell the member about that in a moment.

The Government decided that the cases should be made public. One cannot be any fairer than that. We were embarrassed by the leaking of the information; certain things needed to be done prior to the decision being finalised in Cabinet. One was to inform the City of Perth. I informed the Lord Mayor confidentially by telephone when it became clear that because of the leaking of information pressures had built up on the ability to do a number of things prior to the 9 April confirmation by the Cabinet.

Mr Rushton: Poor timing.

Mr BRIAN BURKE: All I can say is that everyone who has evinced a desire to submit a proposal to establish a casino has the opportunity to do so. The Opposition has an opportunity to frame a policy and vote for or against the legislation. The proposal to establish a casino which will be part of an integrated tourist facility and which will create by virtue of the size of the investment thousands of permanent jobs will multiply through the economy in a way that a quite major resources development project fails to do when one is talking about an investment of \$200 million or \$300 million, and will bring benefits to the State that on balance the Government decided were worth pursuing. In the pursuance of all that, the Opposition is condemned by its inability to say whether it supports the establishment of a casino.

The Government opposes the motion.

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

WATER AUTHORITY BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Barnett) in the Chair; Mr Tonkin (Minister for Water Resources) in charge of the Bill.

Clause 41: Estimates—

The CHAIRMAN: Progress was reported on the clause after Mr Mensaros had moved an amendment. I point out to members that only 37 minutes are left in which to pass all stages of this Bill.

Mr MENSAROS: The question before the Chamber is the amendment I moved. The Minister tried to ridicule the amendment by saying it

would be an impossible situation to prescribe for the Government how the next and subsequent Budgets should be formed. Of course, we are not talking about the whole Budget but a small part of it. I remind the Minister it is not an extraordinary situation. A number of Statutes contain provisions requiring the Government of the day to provide certain sums in the Budget. I refer to the Judges' Salaries and Pensions Act under which the Government is bound by law to provide certain sums for the salaries of judges. There is no way around it; it is contained in a Statute which makes it compulsory for the Government to seek an appropriation.

Because the system is one of yearly budgeting one cannot say that would happen automatically but the Government of the day is statutorily obliged to seek appropriation in the revenue Budget for this purpose. A number of other Acts compel the Government to allow a certain amount for a specific purpose and incorporate that amount in the Budget. Some do it by specifying dollars and cents, and I have given one example in the judges' salaries. There are others such as that which refers to the Governor's salary.

We can go a step further and say that the difference between initiating legislation in the Legislative Assembly and the Legislative Council is what we generally call "money bills". A money Bill is a piece of legislation which, when enacted, provides automatically that certain sums be appropriated in the Budget.

This amendment simply provides that the Government of the day seek from the Parliament an appropriation in the Budget of certain sums which are described not in dollars and cents, but in proportion to the revenue of the country water undertakings, and to my mind it is perfectly all right. It is not an unprecedented motion; it is not unusual. The purpose of the amendment is to make absolutely sure that the subsidy which is a vital part of the country water undertakings should remain. If this joint authority had not been proposed, if any subsidies were withdrawn or reduced, the only party disadvantaged would be the country consumer. The greater the subsidy given to the country consumer, the more the revenue which must be raised by rates and charges.

Mr Tonkin: Are you proposing an amendment?

Mr MENSAROS: I have already proposed an amendment. It is before the Chair.

Mr Tonkin: I am sorry; that was before the adjournment.

Mr MENSAROS: If the two water supply utilities—one is a Government department and the other a Government instrumentality—are

amalgamated, the burden which is the result of withdrawing subsidies will fall upon all the consumers, metropolitan as well as country. It is not only in the interests of the country consumers that I have moved this amendment on behalf of the Opposition, but it is equally on behalf of the metropolitan consumers, because the burden would then be shared equally.

I remind the Minister of the position in the SEC, which is the largest utility in the State. Since the equal tariff was introduced by the SEC, and since every remaining separate electricity utility was absorbed into the SEC, the result has been a lower tariff for the consumers of the small absorbed utilities. This has been the position in Geraldton, Carnarvon, and Kalgoorlie.

The reverse position applies to the water boards because they charge less for water than the PWD does.

As soon as this equal tariff arose, it could be clearly shown that the SEC had large losses in the country areas, and these losses were borne by the consumers generally. The SEC, like the proposed joint water authority, is a Government instrumentality, and it is self-sufficient, independent of the Government from the point of view of finances. These country losses of the SEC, as I understand it, now amount to \$60 million or \$70 million annually. They must now be seen as a portion of the total turnover of the SEC, and that total turnover today would be around \$400 million. I might be wrong—I am open to correction—but in any event it is about 10 or 12 per cent of the turnover.

So we easily reach the situation in the joint water authority also where all the consumers in Western Australia have to put up with a tariff increase, or an increase in rates and charges over and above the normal increases due to increased costs, inflation, or perhaps accumulated debts, and the rest of it, because the subsidy is withdrawn.

The amendment is designed to safeguard against this situation, and it is intended, not in an unprecedented manner, that the Government should not fall prey to the temptation to gradually withdraw the subsidy. As I explained during the second reading debate, there will be a temptation. First of all, the Treasury will be on the back of the Government to do this, as it did before with the Fuel and Power Commission. As I explained, this was absorbed by the SEC, and its budget had to be borne by the utility itself from the tariff revenue from consumers.

There is enough burden on these utilities already. They are not only utilities but they are

welfare agencies as well, as a result of the Government's decision. The previous Government is also responsible, but the responsibility lies particularly with the present Government, because it has said that more social services must be provided through the utilities.

We know that the educational institutions, for instance, pay much less for water. They do not pay less for electricity, but they do pay less for water. This is a loss for the utility. Contrary to what the Minister has said, I am not proposing something which is impossible, which is unprecedented, and which would not be in line with our system of Government budgeting. This is something which legitimately safeguards the interests of the country.

Mr CRANE: I support the amendment moved by the member for Floreat for the very reasons he has ably outlined to the Chamber tonight. I do not suppose there is any need to remind members of the fact that country water supplies are very expensive and need to be subsidised from other areas of the State. We recognise this.

Most people appreciate the fact that most of the wealth of the State is created in rural areas, so it is only reasonable and just that a contribution should be made towards those areas from the people situated in the more closely settled areas and the more profitable ones as far as water supplies are concerned.

It has been very ably pointed out that with the amalgamation, the people in the metropolitan area will face a liability. This amendment clearly suggests money should be provided from the Consolidated Revenue Fund, a source which is augmented from many areas. We would be most remiss in Parliament if we overlooked this very important facet which has been put forward. The people in the country areas in particular depend a great deal upon this type of legislation which will ensure that the subsidies they have had in the past and which have been necessary will, in fact, be continued. It is suggested here that the funding appropriated to the engineering division of the Public Works Department for country water undertakings is in proportion to the total revenue received from those areas averaged over the financial years 1982-83, 1983-84, and 1984-85.

That sets the yardstick by which it should be done, and I believe this is a very wise and a necessary amendment. I fully support it on behalf of the country people who will feel the brunt of the loss of any of these subsidies which will inevitably be withdrawn if something is not done for them in this way.

Mr TONKIN: I have already explained to the Committee that this is an attempt to determine the shape of the Budget which even the Government has not seriously considered, and certainly not in detail. For us to write into the legislation ahead of time requirements for the Government in its Budget is quite unprecedented. As I said before, no member or Minister on the opposite side when in Government would have dared to suggest to the former Premier (Sir Charles Court) that this should be done. He would have had short shrift, and he would probably not have stayed in the Cabinet for very long.

The proper time to make these comments is now. I accept the member's right to be concerned. I have given an undertaking to the Opposition that the subsidy will be maintained, but of course I cannot say at what level. I am not the Cabinet. Even the Treasurer is not in a position to say the level at which it will be maintained. This is a matter for the Cabinet and then for the Parliament.

These matters will come before the Parliament in the Budget. It is then that the Opposition should express its displeasure with the Budget if it perceives that the level of subsidy is not as high as it thinks it should be. But certainly no Government can ever accept that the Opposition should start writing the Budget before the Government has even considered that matter.

Mr MENSAROS: I am very sorry I have to speak again, but it appears to me that the Minister deliberately—I have to say “deliberately” because I think he is much too clever to do it inadvertently—repeats the argument which first of all does not stand up, and secondly is not a reply to my argument. He has already advanced exactly what he has said now. He said the Government could not accept this amendment because the Opposition could not influence the Government as far as the shaping of the Budget is concerned. I then explained to him that that was not an unprecedented move. There are Statutes which compel the Government of the day to seek appropriation year after year in the Budget for a purpose prescribed in the particular Statute, seeking money as necessary for this purpose.

We have reached a stage of impasse by the wish of the Minister who does not respond to the arguments which I brought up in response to his argument.

The Minister says the Opposition has ample opportunity to complain when it sees the Budget appropriations and how much subsidy is proposed. He knows very well that his is not a pragmatic solution. So do the water boards. If the subsidy is to be cut drastically, what can the Opposition do?

Never can the Opposition, being the minority party, do anything about it, not only because it is in the minority, but also because the subsidy is in the Budget. To change the Budget by \$1 is a no confidence motion in the Government. Any member who has been in the Chamber for even a short time should know this is the system.

That sort of argument by the Minister does not stand up. Quite apart from that, if the Government were to withdraw the subsidy, there would be no Budget item at all. There is then no opportunity even to complain. But that is the next move for the Opposition, joined by some country members on the Government side; it affects them just as much. That does not solve the situation as far as the rates and charges are concerned. They will be much higher than they should be.

It appears to me that we cannot argue in a very satisfactory way. One argument is thrown up and the other side, the Government, repeats its old stance and does not try to refute it. This is a repetition of an irrelevant set of thoughts. I stand by the amendment.

Amendment put and a division taken with the following result—

Ayes 17

Mr Court	Mr Mensaros
Mr Cowan	Mr Rushton
Mr Coyne	Mr Spriggs
Mr Crane	Mr Stephens
Mr Grayden	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	

(Teller)

Noes 22

Mr Bateman	Mr McIver
Mrs Beggs	Mr Pearce
Mr Bertram	Mr Read
Mr Bridge	Mr P. J. Smith
Mr Bryce	Mr A. D. Taylor
Mrs Buchanan	Mr I. F. Taylor
Mr Carr	Mr Tonkin
Mr Grill	Mr Troy
Mrs Henderson	Mrs Watkins
Mr Jamieson	Mr Wilson
Mr Tom Jones	Mr Burkett

(Teller)

Pairs

Noes

Ayes		
Mr Clarko	Mr Hodge	
Mr Thompson	Mr Evans	
Mr Blaikie	Mr Davies	
Mr Old	Mr Parker	
Mr Bradshaw	Mr Gordon Hill	
Mr McNee	Mr Brian Burke	
Mr O'Connor	Mr Terry Burke	

Amendment thus negatived.

Clause put and passed.

Clauses 42 to 47 put and passed.

Clause 48: Annual report—

Mr MENSAROS: I dealt with the question in respect of this clause during the second reading debate, but I shall repeat it, because I do not think the Minister responded. The amalgamation proposed in the Bill will result in the metropolitan and country water undertakings being operated and serviced by a Government instrumentality. Apart from the subsidy about which we spoke a minute ago, that instrumentality will not be subject to budgetary appropriation. Therefore, during the Budget debate members will not be able to comment on what is happening with respect to water supplies in their electorates.

You, Sir, would recall that many members, particularly country members, spend considerable time during the Budget debate discussing water requirements in their electorates. During that debate members may refer to sewerage works, new reticulation projects which are required, the inadequate quantity or quality of water, and the like. In a remote area with local sources of water, such as dams, climatic conditions may result in insufficient water being available; therefore, it may be necessary to make alternative provision for water supplies. Previously such matters could be debated when the loan Budget or revenue Budget was discussed.

The amalgamation will mean that that opportunity for country members to refer to water supplies will be taken away and consequently their constituents, the consumers of country water undertakings, will not have a say in this matter.

I do not intend to move an amendment to this clause, because it would be beyond the capacity of an Opposition member to do so. However, I ask the Minister to indicate whether the Government agrees to continue with the policy adopted by the Liberal Party when in Government that bodies of this nature should be accountable to Parliament. I do not refer to an inquiry by the Public Accounts Committee or a special investigation which may occur from time to time as a result of a motion, but rather that generally, year after year during the Budget debate or a similar debate, these bodies should be accountable to Parliament.

If more and more Government agencies working within the framework of Government instrumentalities—autonomous bodies—are established, we shall have fewer and fewer opportunities to scrutinise in Parliament the way in which they work. Consequently, it would be desirable to hear the Government's attitude to this matter.

I ask the Minister how a very large utility, such as the State Energy Commission or the proposed

water authority of Western Australia, will come under parliamentary scrutiny.

The number of authorities funded by the Government's Loan Fund is diminishing rapidly. Originally the Water Board's capital requirements were financed out of the Government's Loan Fund. Now more and more of the loans for water supply are from the private market and very little is accommodated in the Budget.

I am not quite sure, but I believe the SEC ceased to feature in the Budget last year. Of course, as this trend continues, we, as members of Parliament, cease to have any say in the policies and behaviour of these utilities.

When the metropolitan and country water supplies are combined under the proposed authority, the annual ongoing budget of that body will be approximately \$250 million and if we add this to the SEC's budget the two will be almost one-third of the State Budget. Even if it were a quarter of the Budget, it cannot be said to be a small sum. If the Parliament has the right to scrutinise other areas in which taxpayers' funds are spent, why should it not have the right to scrutinise the activities of these public utilities which are not privately owned, but rather are owned by the Government and, in turn, the taxpayers, most of whom are consumers?

Would the Minister give us some indication of the thoughts of the Government in this respect, bearing in mind that the Opposition did not oppose the Bill or the principle of amalgamation contained in it? The Opposition did not oppose the framework of this utility; namely, that it should be a Government instrumentality. The main reason we did not oppose it was based on its capacity to borrow. It has greater capacity to borrow as a Government instrumentality because of the Loan Council conditions than it would have as a Government department. Consequently, it would be of great interest to us for the Minister to indicate his thoughts on that proposition.

Mr Tonkin: I understood we were talking about clause 48.

Mr MENSAROS: I chose clause 48, which deals with the annual reports, because that is where the Parliamentary accountability fits in most.

Mr TONKIN: Yes, I accept that an authority may seem to be less accountable. However, as the member will be aware, the Minister has great control over the authority. He is responsible to Parliament, and I am sure that if the Minister does not account himself or the authority before Parliament, the Government will be brought to account politically. The clause I referred to en-

sures that the financial statements are laid before each House of Parliament, which step is a very adequate safeguard.

Clause put and passed.

Clauses 49 to 63 put and passed.

Title put and passed.

Mr Rushton: The jack boots have moved in!

Mr Tonkin: That is an hour more than you asked for.

Mr Rushton: The night has been changed to suit you people. You have knocked off on private business.

Mr Tonkin: I thank the Committee for its co-operation in that experimental exercise.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Tonkin (Minister for Water Resources), and transmitted to the Council.

FATAL ACCIDENTS AMENDMENT BILL 1984

Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [9.44 p.m.]: I move—

That the Bill be now read a second time.

At common law, the dependants of a person who was killed because of the fault of a third party could not recover compensation from the wrongdoer for the loss of the financial support resulting from the death.

Legislation adopted in Western Australia in 1849 and now enacted as the Fatal Accidents Act, altered the common law and made provision for designated relatives to take action for compensation against a person who caused the deceased person's death. This, of course, applies only in cases where the deceased person would have been entitled to recover damages in respect of the wrongful act, neglect, or default had he still been alive.

The action is undertaken by the deceased's personal representatives on behalf of the designated relatives, and claims are limited to compensation for economic or material loss. Damages are based on the amount of financial support each relative could have expected to receive had the deceased person lived.

At present, the only persons who can make a claim for damages for wrongful death are the deceased's surviving spouse, his or her children, stepchildren, grandchildren, parents, stepparents and grandparents.

Some years ago, the Law Reform Commission of Western Australia was asked to consider whether the class of persons entitled to claim under the Act should be widened. The commission reported in December 1978 and recommended that the class of persons entitled to claim should be extended.

The Bill now before the House seeks to extend the class of eligible claimants under the Act to include the following—

A person to whom the deceased stood in the place of a parent (*in loco parentis*);

a person who stood in the place of a parent (*in loco parentis*) to a deceased person;

brothers and sisters, including half brothers and sisters;

the spouse of a deceased person who had ceased to be such by virtue of divorce; and

a *de facto* spouse in cases where there is a child of that union or in circumstances where the *de facto* spouse had lived on a permanent and *bona fide* domestic basis for not less than three years.

Adopted and illegitimate persons continue to be provided for. In case of a child born after the death of the deceased person, the child will be treated as having been born before the death occurred.

The Bill also gives the court an express power to order that a person who is entitled to do so, be added to an action which has already commenced. The court may order that that person be separately represented.

To consolidate the class of eligible claimants under the Act, it is proposed to delete the definition of "child" and "parent" in the body of the Act, and include all the classes of eligible claimants in a schedule to the Act.

The Law Reform Commission also made certain recommendations on a separate, very limited award of damages for "loss of assistance and guidance". The idea behind this is to compensate certain close relatives for the loss of such non-pecuniary benefits as they might have expected to derive from the deceased person's assistance and guidance if he had lived.

The Government has decided not to proceed with these recommendations. It would require the courts to undertake a time-consuming and difficult task in assessing the appropriate award and,

in any event, the amount awarded under such an arbitrary limit would be likely to affront claimants as often as it might solace them. There are very few jurisdictions where such a provision exists.

In summary, the effect of this Bill is to extend the class of persons who may claim under the Act, by bringing in a number of people who were members of the deceased person's household or dependent upon him.

I commend the Bill to the House.

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

SUPREME COURT AMENDMENT BILL 1984

Second Reading

Debate resumed from 22 March.

MR HASSELL (Cottesloe—Leader of the Opposition) [9.49 p.m.]: The purpose of this Bill is to increase from seven to 10 the number of judges that can be appointed to the Supreme Court. The Minister has stated that the subsequent appointment of an additional Supreme Court judge after the passage of this Bill is part of a Government package to reduce the backlog of civil cases which presently exists in the Supreme Court. It is therefore intended to appoint one more judge to the Supreme Court, yet the Bill proposes to allow the Executive arm of Government to increase the number of Supreme Court judges by three.

At the present time, the Supreme Court Act allows for the appointment of a Chief Justice and such number of other judges not exceeding seven as the Government may from time to time appoint. The number was increased from six to seven in 1982. If it is intended to appoint one additional judge we need to ask the reason that it is necessary to increase the number of prospective appointments by three. If it is intended to appoint three more judges, the Government should say so.

Does the Government intend to appoint more than one, and if so, precisely when? If the Government intends to appoint more than one additional judge at a future date, this does not in any way justify the proposed legislation to permit the appointment of three judges. The legislation should authorise only those appointments which are immediately intended. Obviously at some future time there will be a need for additional Supreme Court judges; that is, if with the creeping centralism of the Federal Government and its courts there is any jurisdiction left to the Supreme Courts.

Presuming that some measure of State responsibility in its own laws continues, it may be

assumed that there may be a need for further Supreme Court judges in the future. Certainly they will be needed with the natural growth in population and litigation resulting by the year 1990, but the appointment of judges to the Supreme Court, the highest court in Western Australia, is a matter which has always been one of delicacy and one which requires the maintenance of the control of Parliament.

It would be quite wrong for the Parliament to surrender its control by giving *carte blanche* to the Government to make appointments at some time in the future, if a need should arise. When additional judges of the Supreme Court are needed, the legislation for that should be brought to Parliament then, without any provision for future appointments.

It is obvious that this sort of legislation could be abused easily. We could have the situation in which an outgoing Government could choose, after having been defeated at an election, but before formally resigning from office, to fill the vacancies in the Supreme Court.

Mr Jamieson: That would be the last thing on their mind, I would imagine.

Mr HASSELL: It might be, but having seen the record of the present Government in filling positions around this town with its nominees and having sacked unceremoniously good and faithful servants of the State, that is not the last thing that we have to be suspicious of.

We have seen the situation with the State Housing Commission, the Princess Margaret Hospital Board, and others where the Government has moved in and unceremoniously removed people from office.

Mr Bertram: With good cause.

Mr I. F. Taylor: All your political appointees.

Mr HASSELL: They were well qualified people who have never identified themselves with us politically, but who have served honestly, honourably, and effectively on those boards. The Government has thrown them out, without a blush, without even a letter in some cases and without any notification until the people saw it in the *Government Gazette* or the newspaper.

Several members interjected.

Mr HASSELL: Government members can make all the interjections they like about political appointees; they were faithful people who served our Government and the present Government well. They did not resign when the present Government came to office, but this Government threw them out to make way for its political nominees.

That is the very concern we have about this Bill, because what kind of standard will be applied to the Supreme Court. We agree that some provision should be made for an extra appointment, but because this Bill has not been amended there will be a provision to make room for three more judges. If that is so, I question it. I would like to hear the Minister state the reasons for this provision, and if there are good reasons, of course we will support them, but in the absence of justification, we would like to know the reason that this unusual course has been adopted. Subject to that, we support the Bill.

MR GRILL (Esperance-Dundas—Minister for Transport) [9.56 p.m.]: The response from the Leader of the Opposition is to be expected; it is a normal response and I do not criticise it. I think it is a reasonable response in the circumstances. There is a duty on the Government to satisfy the Opposition that three appointments are warranted in this situation.

Mr Hassell: You realise we would not complain about three appointments; it is three vacancies with one appointment we are concerned about.

Mr GRILL: I will explain that to the Leader of the Opposition right now, and he will probably agree with me. I share the Leader of the Opposition's concern, and of course it is a situation where Governments could abuse a situation; but this Government, if it does not have a reputation for anything else, does have a reputation for being reasonable and responsible. The Government does not have a reputation for always being right, but for being mostly right.

Mr Hassell: And modest, too.

Mr GRILL: And fairly modest. In this case a presentation could be put forward that would justify the appointments immediately of three judges. The association to which the Leader of the Opposition and I belong advocated that three judges should be appointed here and now. The association says that the work is around and the figures which have been put forward in the second reading speech would justify that. Further, while not rejecting that point of view, the Government simply states that there is a need to be financially responsible in appointments to the Public Service and to the bench. If we could appoint one person rather than three, we should appoint one person.

In December, 1983 the Chief Justice indicated that 227 civil cases were outstanding. It was thought then that the Supreme Court, when one judge came back from holidays and one judge was released from a very long case which went on for 92 days and came back to the mainstream of everyday business, could reduce that load con-

siderably. That does not appear to be the case, and the civil list has increased. The Supreme Court has a very good record on the civil side, but that record is not as good as it should be.

We now have the situation where the time of at least three judges is taken up almost permanently in the Court of Criminal Appeal and it appears that the same situation could apply in respect of appeals on the civil side. As I have mentioned on two or three occasions, that civil list appears to be growing.

The Law Society is advocating that a number of judges should be appointed, and while we are not prepared to say its argument is incorrect, we do take the proper and conservative approach and say, "Yes we will legislate to increase the number of judges by three, but we will endeavour, for the time being, to appoint only one and to hold back two of the appointments for the sake of the public purse and for the sake of the taxpayer". The Government will take a number of measures complementary to these appointments to reduce the backlog. These other measures are set out in my second reading speech.

It is prudent and proper that although there may be a case to increase the judges of the Supreme Court by three at this particular time, we should make provision for three, but should increase it only by one. I do not think that proposal should lend itself to criticism. As I have said before, it may lend itself to some suspicion. All Governments in the past, whether Liberal, Labor or coalition, have been responsive concerning the appointment of judges to the Supreme Court.

Mr Hassell: The Commonwealth was not always; it appointed Murphy.

Mr GRILL: I think the appointment of Mr Justice Murphy was one of those appointments which most people consider was a proper appointment.

At a Federal level, the Liberal Party abused the situation and we are mindful of that, as my opening remarks reflected.

I do not believe that any member in this House could point his finger at any previous Government in respect of increases in the number of judges appointed to the Supreme Court of this State.

Mr Hassell: We made one doubtful one last time.

Mr GRILL: I will not say who it concerned, but if the Leader of the Opposition wants to, he may say so.

Mr Hassell: No I will not, I was being flippant.

Mr GRILL: The course adopted by this Government is reasonable and prudent in terms of

the public purse, and it should be adopted by the Government.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Grill (Minister for Transport) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7 amended—

Mr HASSELL: I understand what the Minister has said, but frankly I think it is unacceptable. There is no justification for provision for the appointment of three judges if three judges are not to be appointed. That is a serious derogation of the power of the Government in favour of the power of the Executive.

It is no good the Minister's saying to the Chamber that the Supreme Court needs a certain number of judges and that the Government might want to appoint three judges. The judges could be appointed at any time and it may even be in 1990. It is totally unsatisfactory for Parliament to have a period of years or even months in which an appointment is not made.

If another judge is required for the Supreme Court, the Opposition will support an appointment. In fact, the shadow Attorney General (Mr Medcalf) publicly stated that further judges were needed. From what the Minister has said, it appears that the Government has no plans to appoint three judges. The Minister simply has a vague notion that they are needed, and he has indicated that at some time in the future the Government will make the appointments. That is not good enough for a principle which the Minister has acknowledged is important.

I understand that the Minister for Transport is only representing the Attorney General in this case and that this is not his Bill. I do not want to direct my remarks to the Minister, but I believe the Government has not justified the legislation.

The Minister representing the Attorney General has not only failed to justify the legislation, but also agreed with the very criticism which I have levelled at the Bill.

The Government should be prepared to accept an amendment to this clause to substitute for the figure "10" the word "eight". This would allow the appointment of one additional judge.

I will give an undertaking to the Minister and to the Government that if the amendment which I propose to move is accepted, when the Government seeks an amendment for an additional

judge, the Opposition will, in every way, facilitate the immediate passage of the necessary legislation through this Chamber.

It is not right for this Chamber or this Parliament to put through an amendment to allow the Government an unfettered, unlimited and uncontrolled time frame in which to fill those positions.

We are not talking about appointments to the magistracy, the Industrial Commission, the District Court, some administrative tribunal or licensing court or any body of that nature. We are talking about appointments to the court which in the sovereign State of Western Australia is equivalent to the High Court, in the wider Australia, or by comparison with the United Kingdom which is equivalent to the High Court of Justice in England and it runs contrary to all the traditions of the law and the constitutional conventions which operate to have this situation arise. I move an amendment—

Page 2, line 4—Delete the figure “10” with a view to substituting the word “eight”.

I repeat that I assure the Minister that when his Government is in a position to make a further appointment which is genuinely required, the Opposition will facilitate the passage of the necessary amending legislation.

Mr GRILL: The Government opposes the amendment for the reasons I have already outlined in reply to the second reading debate.

Perhaps I can convince the Leader of the Opposition by advising that the Government has no inclination to be irresponsible in respect of the appointment of judges, bearing in mind that such conservative bodies as the Law Society and the Barristers Association have advocated the appointment of three or more additional judges.

The Leader of the Opposition will accept my point when he has heard it. If the Government were irresponsible and subversive in its motives in connection with the appointment of judges to the Supreme Court, it would go ahead and appoint three judges without any equivocation or any quibbling or demur from the Opposition.

The Leader of the Opposition has already accepted that fact in his speech. If we were to be irresponsible we would adopt that course. We are saying that perhaps the Law Society, the Bar Association and the legal profession generally are correct in putting forward the view that we need three more judges. Let us see in the cause of financial responsibility and prudence whether together with a whole range of measures which are set out in the second reading speech we cannot just get away for the time being with the appointment of one judge. If that is not adequate we can

appoint the other two without coming back to the Parliament and in a fairly clumsy way adding to the number of judges in the Supreme Court.

The figures mentioned in the Chief Justice's address in December and later on the figures enunciated by the Attorney General reveal that the situation is volatile. The Government, the Attorney General and the Chief Justice cannot properly estimate the backlog of civil cases. In that situation where their prognosis may not be correct the House should be prepared to give this Government the right to appoint three more judges, as the legal profession is clamouring for it to do, and also give it the right to appoint one judge to see how the backlog of cases goes.

If it can be diminished by the appointment of one extra judge and the other measures we have set out it may not be necessary to go ahead and appoint the other two judges immediately. I say “immediately” because no-one doubts that in the fullness of time we will have to appoint the other two judges.

If as the Leader of the Opposition suspects, and as he hinted in his remarks, we were to be irresponsible we would adopt the advocacy of the legal profession and appoint three new judges now. He has hinted that he would go along with that and in so doing we would not take any action to protect the public purse. We are not doing that; we are taking account of the public purse and the burden on the taxpayer. I have heard almost everyone on the other side of the Chamber put forward that particular argument in the past, sometimes quite vehemently.

If the Opposition simply wants to attack and criticise the Government for endeavouring to minimise the cost to the public purse, so be it. I do not think it can mount a case that the Government is being irresponsible in endeavouring to reduce the cost to the public purse; we are simply being prudent.

Mr COWAN: The National Party accepts the argument put forward by the Government on this issue and we will not support the amendment. I certainly do not make any claim to competence to discuss this issue whereas both the previous speakers have some training in law and are associated with the profession.

It strikes me as rather strange that the Leader of the Opposition should use this opportunity to be critical of a Government using an amendment such as this to delegate the powers of this Parliament. I understood the Leader of the Opposition to say that it gave the powers to the Government. It was never apparent to me in the time the Leader of the Opposition and his colleagues occu-

pied the Treasury benches that they had any qualms about assuming the powers of Parliament and delegating them to Government. I do not see how this amendment conforms to the impression of the Leader of the Opposition. The Bill states a number and does not delegate any power to the Government. It increases the number of judges who can be appointed. For that reason we are prepared to support the Bill as it stands.

Mr JAMIESON: The Leader of the Opposition is indulging in procrastination of the worst kind. He has put forward some spurious idea that perhaps the Labor Party in defeat might fill up these positions before moving out of office.

Mr Bertram: What would that achieve?

Mr JAMIESON: I do not know. The party would be so busy crying in its beer that it would not be worrying about appointing Supreme Court judges. We would be interested in a lot of other things.

The Leader of the Opposition is only procrastinating when he says he would guarantee to pass another Bill to appoint a judge in a couple of months and would do the same a few months later if a similar Bill were brought forward. He is doing the very thing the champions of private enterprise would not want. Imagine the board of directors of a firm saying they might want to employ three more people but one might be able to do the job.

Mr Laurance: We are talking about Supreme Court judges, not employees.

Mr JAMIESON: Of course, but the Supreme Court judges cost money, just as it costs money to employ people. If the Government is forced into going along with the proposals of the two law bodies in this State and appointing another three judges, the Leader of the Opposition will support us and we would waste the money.

Mr Laurance: That argument falls down. The Government does not bring in a Bill every time it wants to appoint a public servant, but it does when it appoints a Supreme Court judge.

Mr JAMIESON: Not necessarily. Sometimes a position is left vacant for some time so that it can be filled later if necessary. That is not unusual in the Australian system. All sorts of courts have this capability given to them in various Acts of Parliament. Those Acts have been passed to avoid the bother of constantly bringing forward legislation. It allows the administration to get on with the job of keeping up the judicial strength to a sufficient quantum to be able to meet the requirements of the cases coming before it.

There has been no suggestion—and the Leader of the Opposition has not been able to make one—as to where this is likely to be manipulated except the one instance he gave which has never been adopted and is not likely to be.

Mr Hassell interjected.

Mr JAMIESON: That did not involve employing members or anything like that. It was after the election before they left office.

Several members interjected.

Mr JAMIESON: During that week it was doubtful whether the Government would be defeated and it became clear only after the count of the DLP preference votes a week later in Murchison. If there was to be a hung House—at that stage there were 50 members—the sensible thing was to be able to say to the Governor that we would carry on until redistribution occurred and the problem might be solved in that way. That is good advice. There is nothing wrong with it except when people such as Opposition members manipulate the boundaries of electorates and continue to try to subvert the wishes of the people of this State every time there is an opportunity.

On the question of such appointments, the appointment of Olney was reasonable. Indeed, we have probably appointed many people who were not of our political flavour. Nevertheless they have been reasonable appointments and no-one has pointed the finger in respect of their political leanings once they have been appointed. I suggest that until the Leader of the Opposition is able to come up with a reasonable argument in this regard he should hold his views.

Mr LAURANCE: This is an amazing debate. The Government says it does not have a mortgage on good ideas and it is prepared to accept ideas from across the Chamber and from other parts of the community. The Government says it will break all records in accepting amendments moved by the Opposition and is prepared to listen to reasonable amendments.

Mr Jamieson: How many amendments did your party ever accept? Let us look at your record.

Mr LAURANCE: We are talking about the record of this Government. The member for Welshpool has criticised the record of the previous Government and said this Government will not act in that way. It has said it will accept reasonable amendments and that will be its *modus operandi*. However, on a perfectly reasonable amendment we have had comments of "procrastination", "spuriousness" and other remarks of a volatile nature. We are only talking about a simple amendment to do what the Government said it wanted to do. No-one denies

the need for an additional Supreme Court judge. The issue has become a public one and the Government has stated that it will try to meet the need. It has said that given the financial situation it can employ one additional Supreme Court judge. It may be desirable to employ more at this stage which would have a greater impact on the backlog of cases before the court and the Government would have considered that course were it not for financial reasons. We understand that situation and the Minister made it clear that we must take the public purse into account. However, on other occasions the public purse has been totally forgotten and it is amazing to hear the concern on this occasion.

Mr Grill: I am glad you appreciate our concern.

Mr LAURANCE: I would have expected the Minister to say this is a social cost. For example, we could not afford the Perth-Fremantle railway line but the Minister, wearing his hat as Minister for Transport, said the Government was accepting it as a social cost. It could be that the appointment of three Supreme Court judges is a social cost which the community and this Government must meet.

However, the Government has said it will be financially prudent and will appoint only one judge. The Opposition does not argue with that. Why not bring a Bill before the Parliament to appoint one additional judge? We have many points of common ground and would have no opposition to a Bill of this nature. We have indicated our support. The only point at issue is the number of appointments for which the Government wishes to legislate.

Mr Jamieson: You are procrastinating, otherwise you would have taken some action in the Legislative Council.

Mr LAURANCE: This measure has not been before the Legislative Council. Perhaps the member for Welshpool is showing the way in which we should go.

Mr Jamieson: No, I am not.

Mr LAURANCE: From the point made by the member it seems he is inviting us to.

Several members interjected.

Mr LAURANCE: We are encouraged by the comments of the member for Welshpool when he says we should do something about this in the Legislative Council. We are not bully-boys on this side and we do not want to threaten the Government. We are not like the boof-headed Premier over there; we do not rant and rave and strut up and down saying we will do this, that and the other.

Mr Burkett: When your wife wakes up in the morning does she say, "Good morning, God" or, "Good God, morning"?

The CHAIRMAN: Order!

Mr LAURANCE: The Leader of the Opposition did not raise anything about what might happen in the Legislative Council on this matter. Nor did I. The person to raise it was one of the member's colleagues.

Mr Jamieson: What is the wonder of that?

Mr LAURANCE: There is that possibility; the member must admit it is a veiled threat.

Mr Grill: You are wasting time.

Mr LAURANCE: I am not.

The CHAIRMAN: Order! I have been particularly lenient with all speakers to date. The amendment before the Chair is that we delete the figure "10". Each speaker should have, but has not, spoken directly to that amendment. I am prepared to accept that the member about to resume his seat shall continue in the same vein as members preceding him. However, he will be the last member to whom I will extend leniency in that manner. I hope that the balance of his speech—the clock has been stopped so that we do not steal any of his time—can be more closely directed to the matter before the Chair; that is, that the figure "10" be deleted.

Mr LAURANCE: Thank you, Mr Chairman. I will ignore the interjections and comply with your request.

The Opposition is not procrastinating on the matter of how many judges are appointed, whether eight or 10. Opposition members are not being spurious or procrastinating at all. We are making a perfectly reasonable point to the Government, the Minister and the Leader of the House who has already acknowledged that the Government will accept reasonable amendments. If the Government wants to appoint one additional judge, why does it not legislate to do that?

If it does not have the finances, that is a different position. It might appoint another judge in a month, or a further month after that. If that is the intention, why does not the Government say so?

Several members interjected.

Mr LAURANCE: Only one can be appointed. Why does the Government want to keep two appointments up its sleeve? It is like the casino. The Government has the casino up one sleeve and two Supreme Court judges up the other.

Several members interjected.

Mr LAURANCE: The weakest point in the Government's argument was that the Minister agreed with what the Opposition was saying. We would like to help him out. On the one hand he says he belongs to a Government which accepts reasonable amendments. On the other hand, he says on this occasion that the Government will not agree to this amendment. I ask the Minister to examine his stance, which is totally illogical. I do not know who told him that tonight is the night on which he cannot accept reasonable amendments. If the Minister were being consistent, he would accept this amendment.

The Minister said that it was a very volatile situation. The appointment of Supreme Court judges does not go up and down like a yoyo.

Mr Grill: Let us get that clear. What I said was that it was apparent that the civil list was a very volatile situation; it was very hard to predict just what level of backlog there would be. We are not talking about anything other than the list when we talk of the volatile situation.

Mr LAURANCE: The Minister is saying I took that out of context.

Mr Bertram: You have misunderstood what he said when everybody else knew what he said.

Mr LAURANCE: What difference does that make to the situation? He talked about the reason for wanting only one appointment being that he had to be prudent with the public purse. Surely he has assessed this volatile situation and worked out how many judges can be employed. The answer to that question is "One"; he can afford to employ only one additional judge at this time.

Mr Grill: That is the very point. It has been accepted by the Chief Justice and by the Attorney General. It is very hard at this time to predict exactly what that backlog will be. The reason it is hard to predict is that one just does not know how many appeals will come forward, firstly, to the full Supreme Court, and, secondly, to the Criminal Appeal Court. That really is the problem. The Chief Justice has accepted that point.

Mr LAURANCE: If a lot come forward in the near future, the Minister will then immediately proceed to appoint another Supreme Court judge?

Mr Grill: We will examine the situation. If that appeared to be the situation, yes. If it was not enough, other measures which we have already outlined in the second reading speech would be taken for the appointment of a second and possibly even a third.

Mr LAURANCE: The court list is a volatile situation, I will agree. The financial position and the appointment of an additional judge is not a

volatile situation; it is something which will have to be carefully assessed and the Minister will have to try other measures first before he moves to the expense of an additional appointment. That is not a volatile situation. If the Minister found that the position warranted another appointment, he could easily come along to the Parliament with legislation for an additional appointment at that time, and the Leader of the Opposition has already indicated that the Opposition would facilitate the passage of such legislation.

So really the Minister is using the Parliament as a rubber stamp. None of the members on the other side would like to have the Executive take control and remove the say from Parliament. The Leader of the House would find that an intolerable situation. We would not want to put him into the position of accepting such a situation. It would be intolerable for him to have Parliament used as a rubber stamp for the Executive.

If the Minister wants to go ahead and appoint an additional judge, he will be acting totally irrationally. This is a reasonable amendment. If in the future the Minister thinks further appointments are required because the position is not helped, he can come to the Parliament at that time and he would have the support of the Opposition for a further appointment.

Mr Jamieson: You did not say that.

Mr LAURANCE: He gave an unequivocal assurance. I will be getting off clause 10 if I answer that interjection. The Government has shown it is in a very difficult position because it wants to accept reasonable amendments. This is a reasonable one, but the Government will not accept it. That is totally irrational and illogical for a person versed in the law as is the Minister handling this Bill.

Mr HASSELL: This is a serious matter.

Mr Jamieson: Come on, you will have us all crying.

Several members interjected.

The CHAIRMAN: The Leader of the Opposition has the floor. I do not think he has said more than three words, but everyone else has had a go.

Mr HASSELL: I repeat that this is a serious matter, and we raise it seriously. The Minister responded in the second reading in a most responsible way, but since then I fear he has taken the lead from his leader and misrepresented my position completely.

Mr Bertram: The Premier does not misrepresent your case; you misrepresent his.

Mr HASSELL: The Minister was quite wrong in suggesting that I was being critical of the Government in any way for being cautious about the financial position.

Let me make our position very clear. It is quite simple. We are satisfied that there is a need for an additional appointment, and we support the Government's making an additional appointment. Neither the Government nor at this stage the Opposition is satisfied about the need for any other appointments. We are quite open to be convinced of that need, either by direct representations from the Law Society or from the Bar Association, or by the Government itself. We have no political axe to grind in this matter at all. We agree with the Government's approach in terms of the appointment, with the need for financial caution, and with the need for the position to be reviewed if there is a backlog.

It is no laughing matter when there is a backlog of business of the Supreme Court. The costs to litigants are considerable, and the respect in which the legal system is held is severely diminished when people cannot have their cases resolved within a reasonable period.

There is an old legal expression which very clearly covers the matter when it says, "Justice delayed is justice denied".

We do not have any argument with the Government about any of those things.

Mr Jamieson: You are a disgrace to your profession.

Mr HASSELL: Let me say to the Minister that in raising this matter, I am using the advice I have received from the shadow Attorney General, who is well aware of the overall position and who will deal with this matter in the upper House. I am acting on his behalf on this matter; it is not something I have dreamt up tonight on the spur of the moment. I am raising this fundamental issue about whether it is proper to leave appointments to the Supreme Court of Western Australia entirely in the hands of the Executive arm of Government when and if two vacancies should be filled.

Mr Laurance: Parliament is only a rubber stamp under this Government.

Mr HASSELL: I say to the Government, "Let us support you on making the appointment that you want to make without argument". I do not know who the Government's appointee will be—we might have an argument about that—but let us not worry about that now. Let us support the Government on what it wants to do. Let us also amend the Government's Bill to allow it to do precisely what it wants to do and the moment it is

convinced that it needs another judge or two and it has the money and the public purse can stand it, weighing up all the priorities which it, as the Government, has to do, we will deal with the matter expeditiously and properly in the Parliament so that it is resolved. That is a very proper position and there is no need for members opposite to misrepresent it, to make out the point is unimportant or flippant, or to try to reduce it.

We are not talking about the magistracy or the Workers' Compensation Board; we are talking about the Supreme Court of Western Australia and how it should be dealt with.

I ask the Minister to reconsider the acceptance of the amendment which does not prevent the Government doing anything it wants to do. Indeed, we support what it wants to do.

Mr GRILL: The Government is not at all convinced by the arguments put forward by the Opposition. The situation is simply this: The advice coming forward to us from the societies and associations I have mentioned indicates that there should be a further three appointments to the Supreme Court. While not rejecting that advice, we say, "Yes, we will make provision for the appointment of a further three judges, but we will not appoint them immediately, bearing in mind our responsibilities to the taxpayers. We shall appoint one immediately, and if that one, together with the other measures we are taking to endeavour to reduce the backlog of civil cases, is not sufficient, we will appoint the other two". That attitude cannot be criticised, it is responsible and prudent, and it is the way the taxpayers and the voters of Western Australia would like us to go.

The spectre raised by the Opposition is that, in some way, the Government may be irresponsible in the appointment of judges to the Supreme Court. If one looks at the objective evidence, every indicator is in the other direction. In fact, the Government has shown a reluctance to make appointments to the Supreme Court. That has been well documented in the newspapers over the last six to 12 months. We have been reluctant to bend to pressure to make extra appointments.

Mr Laurance: I didn't claim you were being irresponsible, and I don't think the Leader of the Opposition did either.

Mr GRILL: If that is the final summation of what members opposite have to say, they do not have a case.

Mr Laurance: Not at all; we are saying you are being irrational.

Mr GRILL: The Leader of the Opposition made that point and he should argue it. He is not disagreeing with me. All the present evidence in-

dicates that this Government is very reluctant to make extra appointments to the Supreme Court, because of the extra cost. It is not just the cost of salaries, but it includes also the additional costs and expenses that are attached to such appointments.

The point which has been made by the Opposition is very hollow. It is a theoretical argument; it is not substantiated by the facts or by previous practice on the part of the Government. The points I have made about a backlog in the civil list and the way in which we have prudently gone about endeavouring to reduce the backlog really do count. The way we are going about increasing the number of judges in the Supreme Court is proper and correct.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL (No. 2) 1984

Message: Appropriations

Message from the Lieutenant-Governor and Administrator received and read recommending appropriations for the purposes of the Bill.

House adjourned at 10.46 p.m.

QUESTIONS ON NOTICE

PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

Number

2680. Mr HASSELL, to the Premier:

- (1) How many people are on the Government payroll according to the latest statistics available to him?
- (2) How many people are employed by each department and Government agency—
 - (a) against Consolidated Revenue Fund and General Loan Fund;
 - (b) against other funds?
- (3) To which date do these statistics apply?

Mr BRIAN BURKE replied:

Before dealing with the specific information sought in parliamentary question 2680, I advise members of the House that effective from 31 December 1983 the Public Service Board changed the basis on which statistics concerning the number of Government employees are compiled. This action was taken to make the statistics more meaningful.

Under the previous system—

- (i) all employees were included irrespective of whether they were on duty—i.e. staff on extended leave, such as maternity leave, were included. Where relief staff were engaged, this resulted in “double counting”; and
- (ii) only part time employees working 15 hours or more per week were included and these were not distinguished from full-time staff.

Those working less than 15 hours per week were excluded.

The new system excludes employees who are on leave for periods of three months or more, cadets attending tertiary institutions on a full-time basis, and converts hours worked by part-time employees to a full-time equivalent for each department and authority.

The statistics which I am now pleased to provide in response to question 2680 have been compiled in accordance with the above new system—

- (1) 91 622.27
- (2) (a) and (b) Refer tabled schedules.
- (3) 29 February 1984.

The schedules were tabled (see paper No. 710).

2681. *This question was further postponed.*

GAMBLING

Bingo: Head Injured Society

2765. Mr HASSELL, to the Premier:

- (1) Has he had representation from the Head Injured Society indicating that liberalised bingo regulations have effectively deprived the society of the avenue by which it has, in the past, raised the bulk of its revenue?
- (2) Has he investigated the complaint, and if so, with what result?
- (3) If not, will he do so and advise me of the result?
- (4) Does the Government intend to provide financial assistance to the society?

Mr BRIAN BURKE replied:

- (1) to (3) No.
- (4) I have advised the society to make a detailed submission to the Treasury Department when the State's Budget for 1984-85 is being formulated.

FUEL AND ENERGY: STATE ENERGY COMMISSION

Staff: Replacement Policy

2813. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is the State Energy Commission subject to the Government's 50 percent staffing replacement policy?
- (2) How many positions within the State Energy Commission have fallen vacant since the policy was introduced and been filled or removed from the staffing establishment in accordance with the policy?
- (3) How many new positions have been created within the State Energy Commission since the commencement of the policy?

Mr PARKER replied:

- (1) to (3) It would have been impossible in the overall context to make the State Energy Commission subject to the Government's 50 per cent staffing replacement policy. The member would be aware that as a result of the decisions taken by his Government, the commission is faced with the position of

having to staff the extensions to the Muja Power Station and the Dampier-Perth pipeline project. Additionally there are certain minimum manning levels which are required for safe and efficient operation of power stations. Additional problems are created by virtue of the fact that the commission will be closing the South Fremantle Power House and in the vicinity of 200 people will have to be absorbed within other areas of the commission's operations with this closure.

Until recently there was internal scrutiny of the requirements to replace particular individuals who left and whose positions did not fall within the categories outlined above. However, I determined in early February this year that, with the exception of power stations, I would be responsible for making all decisions about replacing people who left the SEC.

The SEC is operating at figures substantially below the establishment approved for it.

2828. *This question was further postponed.*

COMMUNITY WELFARE

Women's Refuges: Federal Funding

2829. Mr THOMPSON, to the Minister for Youth and Community Services:

What action has he taken to obtain funds committed in the last Federal Budget to assist the running of women's refuges?

Mr WILSON replied:

This question is one which does not fall under my portfolio and should therefore be redirected to the Minister for Health.

COMMUNITY WELFARE

Women's Refuges: Length of Stay

2830. Mr THOMPSON, to the Minister for Housing:

- (1) Is he aware that concern is held by people associated with the operation of women's refuges in this State that the inability of the State Housing Commission to quickly satisfy the housing requirements of people who take advantage of these refuges is causing some people to become "institutionalised"?

- (2) Is he aware that because of the lack of suitable housing the current length of stay of people in some women's refuges has increased from approximately three weeks to approximately eight weeks and that the ability of these refuges to house people is sharply reduced?

- (3) What action will be taken to rectify the problem?

Mr WILSON replied:

- (1) I am aware that there is concern regarding the difficulty in quickly housing people in refuges.
- (2) No.
- (3) The commission gives special attention to applicants needing emergent assistance, but the ability of the State Housing Commission to house these people quickly depends largely on the particular requirements of the applicants and the availability of rental housing resources. To improve performance, the Government has entered into an increased building programme for 1983-84 and looks towards a programme to provide 5 000 units over three years. The Government has also formed a working party to look at establishing an emergency housing office.

RAILWAYS: WESTRAIL

Staff: Great Southern

2833. Mr PETER JONES, to the Deputy Premier:

- (1) Having regard to the considerable Westrail staff reductions in the great southern and the commitment by the State Government to alleviate the resultant serious unemployment, what incentives will the State Government offer to attract new industry to the region or to expand existing industry?
- (2) Will the Government consider payroll tax exemption for industries which absorb former Westrail employees?
- (3) In order to assist in developing alternative employment, what initiatives does the Government propose to take?

Mr BRYCE replied:

- (1) The member should be aware of Westrail's commitment that the rationalisation of staffing arrangements in the great southern will not involve any retrenchments. Nevertheless, the Govern-

ment accepts that some depletion of employment opportunities will occur in particular great southern centres. A working party comprising all major Government departments, appropriate local authorities, and chambers of commerce, has been convened to study the problem. With respect to specific assistance measures, the Government will soon have in place a very much improved package of industry assistance and attraction measures, but I do not intend to foreshadow those at this time. Suffice it to say that each case will be treated sympathetically on its merits.

- (2) Relief from payroll tax is one measure the Government has at its disposal. We will consider its use if it is the most appropriate and effective method of assistance.
- (3) Answered in (1).

FUEL AND ENERGY: ELECTRICITY

Power Station: Bunbury

2836. Mr PETER JONES, to the Premier:

- (1) Adverting to question 2566 of 22 March 1984, and in view of the requests made of the State Government by the Korean interests to be given ongoing support and assistance in the establishment and operation of the proposed aluminium smelter, has the Government been asked by the State Energy Commission to consider some of the aspects raised by the Korean interests?
- (2) Has the State Energy Commission considered internally the various requests, with a view to identifying any possibility of providing assistance?
- (3) What direct and/or indirect support and assistance is being given or considered by the State Energy Commission and the Government towards the feasibility study referred to in part (1) of the reply?

Mr BRIAN BURKE replied:

- (1) I am not aware of any requests made of the State Government by Korean interests, nor of the State Energy Commission along the lines indicated in the question by the member for Narrogin.
- (2) Not applicable.
- (3) None.

HOUSING: RENTAL

Rents: Control

2847. Mr MacKINNON, to the Minister for Housing:

- (1) Will he advise whether a decision has been made to prohibit excessive rents payable by private tenants?
- (2) If "yes", how will the prohibition or control be implemented?

Mr WILSON replied:

- (1) No. In conjunction with my colleague the Minister for Consumer Affairs, I have established a working party comprising representatives of tenant support groups and REIWA to consider a number of issues of concern to tenants and property owners. When the working party presents its recommendations, the Government will decide what, if any, action might be necessary.
- (2) Not applicable.

EXPO 88

Western Australian Participation

2848. Mr MacKINNON, to the Premier:

- (1) Has the State made any approach to the organisers of Expo 88 in Queensland to ensure Western Australian participation in the Expo?
- (2) If so, when was that approach made?
- (3) To whom was it made?
- (4) If there is to be such participation, what will the nature of that participation be?

Mr BRIAN BURKE replied:

- (1) to (4) This matter is under consideration.

WATER RESOURCES: IRRIGATION

Rates: South-west

2861. Mr MENSAROS, to the Minister for Water Resources:

- (1) Has the joint study by the Public Works Department and Agriculture Department into a new irrigation water pricing philosophy for the south-west irrigation districts been concluded?
- (2) If so, would he table the study documents and recommendations?

Mr TONKIN replied:

- (1) Two meetings were held between Public Works Department and Agriculture De-

partment officers to propose options for new irrigation water pricing philosophies for the south-west irrigation districts.

- (2) No formal report of the meetings was prepared, but three selected options were conveyed to farmers for consideration and comment, through the farmer members of the south-west irrigation advisory committee. Details of the three options are tabled.

It has been reported to the Public Works Department that a number of meetings of farmers occurred earlier this year, with the following consensus expressed—

farmers generally accept the current charging structure;

if a change is to be made, option 3 would be preferred, but only for a trial period.

No decision has yet been made as to whether any change in the charging structure will be made.

The documents were tabled (see paper No. 709).

2862. *This question was further postponed.*

STATE FORESTS

Working Plan No. 87

2864. Mr BLAIKIE, to the Minister for Forests:

- (1) Further to question 2684 of 1984, what specific new actions have been initiated by the Government that will—
- improve the productivity of the hardwood forest;
 - improve the utilisation and marketing of hardwood timbers?
- (2) Further to (1)(a) and (b)—
- where are these projects being carried out;
 - when did they commence; and
 - what is the cost involved?
- (3) What benefits can be expected from (1)(a) and (b) during the life of working plan 87?

Mr BRIAN BURKE replied:

- (1) (a) Nine projects have been initiated for thinning and regeneration of the wandoo, jarrah, and karri forests;
- (b) a task force has been established to plan improved utilisation and marketing of timber, with representa-

tives from timber merchants, Forest Products Association, timber panel producers, housing industry, furniture manufacturers, saw-milling industry, and the Forests Department.

Research programmes into the drying of local sawn hardwood at the Harvey Forests Department saw-mill have been expanded. Market surveys have been carried out relating to materials used in house construction and to the needs of wood manufacturers in Western Australia.

- (2) Further to (1)(a)—

- Jarrahdale, Dwellingup, Collie, Kirup, Nannup;
- February 1984;
- approximately \$500 000.

Further to (1)(b)—

- Answered by (1)(b);
- the first task force meeting was in August 1983—

Building materials survey: August 1983. Needs of wood manufacturers: November 1983. Expansion of research into timber drying: January 1984.

- (c) estimated expenditure over the next three years for hardwood milling and drying research programmes, \$100 000 a year, some of which will be recovered through sale of produce.

There has been no direct expenditure on the task force.

Market surveys: \$18 000 funded mainly from wages pause programmes.

- (3) With respect to (1)(a), sale of minor forest products from trees removed during thinning and increased growth rates on trees retained.

With respect to (1)(b), improved utilisation of timber resources and increased availability of high grade furniture quality timber.

LAND

*South-West Land Resource Task Force:
Submissions*

2866. Mr BLAIKIE, to the Minister for Lands and Surveys:

- (1) Were submissions invited from the Country Shire Councils Association or any other local government municipalities to the interim report of the task force on land management?
- (2) If "Yes", on what date and what was the response?

Mr McIVER replied:

- (1) Copies of the task force interim report were sent to the Local Government Association and to each shire council in the State, with an invitation to comment.
- (2) The interim report was sent to the Local Government Association on 16 November, shire councils in the South-West Land Division, plus the Shires of Esperance, Ravensthorpe, and Westonia on 25 November 1983. It was sent to all other shire councils in the State on 27 January 1984.

The response was that submissions to the interim report were received from the Country Shire Councils Association, the Shires of Cuballing, Denmark, Harvey, Manjimup, Ravensthorpe, Wannon, Mundaring, Boyup Brook, Plantagenet, Dardanup, Wickepin, the Town of Narrogin, and the City of Bunbury.

LAND

South-West Land Resource Task Force: Terms of Reference

2867. Mr BLAIKIE, to the Minister for Lands and Surveys:

- (1) At what stage of investigation and on what date did the Government give approval to the committee investigating the administration and management of land resources in the south-west of Western Australia to change its directions for proposals and recommendations that now embrace the whole of the State?
- (2) What organisations and individuals were advised of the inquiry's change of terms and directions?

- (3) Who issued the advice and on what date?
- (4) Was the Government advised of the committee's request to expand the inquiry to include the whole State before or after the release of the committee's interim report?
- (5) Who were the people and what organisations did they represent at workshops conducted by the task force at—
 - (a) Wongan Hills;
 - (b) Katanning;
 - (c) Bunbury, in July 1983?
- (6) Following release of the task force final report, how many local authorities, by name, have been visited by members/member of the task force to give explanation of the report?

Mr McIVER replied:

- (1) 26 September 1983.
- (2) None.
- (3) Premier—26 September 1983.
- (4) Before.
- (5) A register of attendees was not kept at all meetings. However, representatives from the following organisations were invited to the workshops:
 - (a) for Wongan Hills—
 - Agriculture Protection Board
 - Department of Agriculture
 - Forests Department
 - National Parks Authority
 - South West Development Authority
 - Shires of Wongan-Ballidu, Dalwallinu, Koorda, Dowerin, Goomalling, Victoria Plains, Gingin, Chittering, Dandaragan, Coorow, Perenjori, Mount Marshall, Wyalkatchem, Cunderdin, Northam, Toodyay, Moora.
 - (b) for Katanning—
 - Agriculture Protection Board
 - Department of Agriculture
 - Forests Department
 - National Parks Authority
 - Public Works Department
 - South West Development Authority
 - Shires of Katanning, Woodanilling, Dumbleyung, Kent, Gnowangerup, Broomhill, Kojonup, West Arthur, Wagin, Wickepin, Kulin, Lake Grace,

Ravensthorpe, Albany,
Plantagenet, Cranbrook,
Tambellup, Boyup Brook,
Jerramungup.

(c) for Bunbury—

Forests Department
Department of Agriculture
Department of Fisheries and
Wildlife
Department of Tourism (south-west
regional office)
Town Planning Department
Department for Youth, Sport and
Recreation (south-west region)
Agriculture Protection Board
Leschenault Inlet Management
Authority
Peel Inlet Management Authority
South West Development Authority
National Parks Authority
Public Works Department
Shires of Mandurah, Murray,
Waroona, Harvey, Collie,
Dardanup, Capel, Busselton,
Augusta-Margaret River,
Nannup, Manjimup, Bridgetown,
Donnybrook-Balingup, Boyup
Brook, and the City of Bunbury.

(6) Executive of the Country Shire Councils
Association

Boyup Brook Shire Council
Busselton Shire Council
Augusta-Margaret River Shire Council
Wickepin—central ward meeting con-
sisting of representatives from
Beverley, Brookton, Boddington,
Corrigin, Cuballing, Kulin, Town of
Narrogin, Pingelly, Quairading, Wan-
dering, Wickepin, and York.

On-going meetings are planned.

**INSURANCE: STATE GOVERNMENT
INSURANCE OFFICE**

Legislation: Commencement

2870. Mr HASSELL, to the Premier:

- (1) When will legislation which extended the franchise of the State Government Insurance Office come into operation?
- (2) When will the "watchdog" committee be appointed?

Mr BRIAN BURKE replied:

- (1) and (2) Consultants have been commissioned to report on a corporate strategy and development plan for the SGIO.

Promulgation of the State Government Insurance Office Amendment Act 1983 is expected shortly and the appointment of the parliamentary committee to which the member refers would be appropriate after the consultants report.

2871. *This question was further postponed.*

INSURANCE

*State Government Insurance Office:
Commonwealth Legislation*

2872. Mr HASSELL, to the Premier:

Will the State Government Insurance Office be subject to legislation proposed by the Commonwealth in relation to insurance in the proposed—

- (a) Insurance contracts Bill;
- (b) Trade Practices Act amendments;
- (c) insurance (agents and brokers) Bill?

Mr BRIAN BURKE replied:

While the Commonwealth legislation does not bind the SGIO, compliance would be possible where it is prudent or otherwise appropriate for the office to observe relevant industry requirements.

The member is advised that the matter is being addressed by the consultants commissioned to report on a corporate strategy and development plan for the SGIO.

TRANSPORT: BUSES

MTT: Claremont Depot

2873. Mr HASSELL, to the Minister for Transport:

- (1) In regard to the Metropolitan Transport Trust depot at Davies-Lapsley-Graylands Roads, Claremont, is it proposed that the depot be sold, or has a sale taken place?
- (2) If the latter is the case, were tenders called, and if so, when were they called and what was the closing date?
- (3) If tenders were not called, what process was used to select the purchaser?
- (4) Who was the purchaser?
- (5) What was the price paid?
- (6) What area of land was involved?
- (7) What was the book value of improvements sold?

Mr GRILL replied:

- (1) Yes, a sale has taken place.
- (2) No.
- (3) Offers were received. The land involved was initially acquired by the trust through a swap arrangement with the Town of Claremont, and because of this it was considered by the trust that council should have first right of refusal. My information is that the long-term plans were that the land would be zoned for recreational purposes. I understand that the council will in fact be using the site for community and recreational purposes. Other offers received were not acceptable because of conditions attached to them, in particular relating to zoning which was outside the control of the trust to amend.
- (4) Claremont Town Council.
- (5) \$410 000.
- (6) 8 005 square metres.
- (7) \$72 030 is book value of building; \$4 020 is book value of land.

MEAT: INDUSTRY

Inquiry: Report

2874. Mr OLD, to the Minister for Agriculture:

When is the report on the inquiry into Government involvement in the meat industry expected to be completed?

Mr EVANS replied:

The committee of inquiry will present its report to me in July 1984, and I will then report to Cabinet.

FISHERIES: PRAWNS

Licences: Mandurah

2875. Mr OLD, to the Minister for Fisheries and Wildlife:

- (1) Adverting to question 2781 of 1984, if further meritorious applications are received from fishermen wishing to trawl for prawns in the area near Mandurah, will he grant them licences?
- (2) Did he seek advice from his departmental head prior to granting the three additional licences?
- (3) If "Yes" to (2), what advice was given?
- (4) If "No" to (2), did he consider the advice of the Department of Fisheries and Wildlife contained in their letter to Mr

Hunter that the department doubted the ability of the fishery to support two boats?

Mr EVANS replied:

- (1) No. Applications to fish the area closed on 9 December 1983, and all applications and appeals have been considered and determined.
- (2) Yes.
- (3) The member will appreciate that this advice must remain confidential.
- (4) Not applicable—see (2).

PERTH MINT

Orders

2876. Mr MENSAROS, to the Minister for Minerals and Energy:

What are the present orders Perth Mint has from the Commonwealth of Australia from overseas countries for producing coins, blanks, and medallions?

Mr PARKER replied:

At present the Perth Mint has no contracts with the Commonwealth of Australia to produce coins, blanks, or medallions.

PERTH MINT

Commemorative Medallions

2877. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) What are the prospects of the Perth Mint being commissioned to produce commemorative medallions for the Commonwealth of Australia bicentenary year, particularly for the approximately 830 municipalities in the Commonwealth?
- (2) Would such an order be a profitable operation for the Mint?

Mr PARKER replied:

- (1) A member of the Bicentennial committee has made a verbal approach to the Director of the Perth Mint. He stated that the medallion production would be "shared around". Also Mr G. Robinson, who until recently was the Director of the Perth Mint, is a member of the committee and is at present in Sydney in that capacity. He will press the case for part of the medallion issue to be manufactured at the Perth Mint.
- (2) Yes.

PERTH MINT

Gold Coin

2878. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) Is the Perth Mint still doing the gold blanks for the Commonwealth's \$200 gold coin?
- (2) Is it a fact that the Mint in Canberra cannot make the blanks because it has no bullion operation?

Mr PARKER replied:

- (1) No.
- (2) Yes.

PERTH MINT

Financial Results

2879. Mr MENSAROS, to the Minister for Minerals and Energy:

What were the financial results of the Perth Mint's coining operations during the past five financial years?

Mr PARKER replied:

Gross Revenue—Coining Operations	
1979	\$881 349.92
1980	\$754 380.02
1981	\$1 329 269.24
1982	\$1 795 587.31
1983	\$636 308.47
1984	\$315 332.80

to date (coining for Commonwealth of Australia ended December 1983).

BUILDING INDUSTRY: COMMERCIAL ACCOMMODATION

Trends: Forecasting Service

2880. Mr MENSAROS, to the Minister for Industrial Development:

Has his department on its own or in co-operation with other organisations, a service, which on statistical and economic grounds would predict shorter and long term trends in demand for commercial industrial and office accommodation, which could guide investors and developers in preparing to meet such demand?

Mr BRYCE replied:

My department offers an information service on current costs of commercial, industrial, and office accommodation.

In addition, a study of existing industrial areas has recently been set up by the Industrial Lands Development Authority and the Town Planning Department.

2881. *This question was postponed.*

EMPLOYMENT AND UNEMPLOYMENT

Community Employment Programme: Parliament House

2882. Mr MENSAROS, to the Minister for Works:

- (1) Does the amount of \$147 333 recommended as community employment programme expenditure for Parliament House part external renovations (project No. WCS 000133) involve the cleaning up of the external wall surfaces of the old building to give them a fresh appearance?
- (2) If so, when will the works commence and when is it anticipated to conclude?
- (3) If not, can he describe the nature of works involved?
- (4) Will the works be done by contract or day labour?
- (5) How many so far unemployed people will be employed and for what period of time?

Mr McIVER replied:

- (1) Yes, to the Harvest Terrace elevation only.
- (2) Work will commence on 30 April 1984 and is expected to be completed by 3 August 1984.
- (3) See (1).
- (4) Work will be arranged through the day labour work force.
- (5) Thirteen men for seventeen weeks.

CONSERVATION AND THE ENVIRONMENT

Weed Harvesting Machines

2883. Mr MENSAROS, to the Minister for the Environment:

- (1) For what period—how many days and how many hours a day—have the weed harvesting machines been used from 1 October 1983 to 31 March 1984?

- (2) What were the dates of the usages?
- (3) What were the results of the usages?

Mr DAVIES replied:

- (1) 30½ days, 196 hours, + 6 days at the Narrows interchange lakes.
- (2) 24, 25, 26, 27, 28, 31 October, 1 November.
(Narrows interchange lakes).
22 December.
9, 10, 11, 12, 18, 19, 25, 26, and 27 January.
3, 6, 7, 14, 15, 16, 17, 20, 24, 27 February.
Harvester TH650—2, 7, 13, 20, 21, 22, 26 March.
Harvester T650—23, 26, 27, 28 March.
- (3) Cleared all weed from Narrows interchange lakes.
December—2 loads—4 tonnes
January—26 loads—52 tonnes
February—31 loads—62 tonnes
March—43 loads—86 tonnes

2884 and 2885. *These questions were postponed.*

FUEL AND ENERGY

State Energy Commission: Construction and Workshops Group

2886. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Adverting to the reply given to question 2747 on Wednesday, 4 April 1984, with which unions has the State Energy Commission entered into the "agreements" referred to in the question?
- (2) What is the nature of the "agreements" entered into?
- (3) Do the "agreements" provide for any work to be awarded to private enterprise?
- (4) If the answer to (3) is "Yes", what is the nature and substance of this commitment?
- (5) When were the above "agreements" entered into, or were last the subject of discussions between the State Energy Commission and the unions concerned?

Mr PARKER replied:

- (1) Municipal Officers Association.
Australasian Society of Engineers.

Amalgamated Metal Workers and Shipwrights Union.
Electrical Trades Union.
Building Workers Industrial Union.

- (2) They relate to work to be done in the construction and workshops group.
- (3) Yes.
- (4) That is a commercial matter.
- (5) 29/8/1983. Continuing discussions are taking place, the last occurring on 10 April.

LAND: ABORIGINES

Rights: Inquiry

2887. Mr PETER JONES, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Adverting to the reply given to question 2642 on Tuesday, 3 April 1984, from whom did Mr Randolph receive the permission referred to in part (2) of the reply?
- (2) If the public reporting referred to in parts (3) and (4) of the question is inaccurate, would he advise the correct substance of Mr Randolph's submission?
- (3) Does part (5) of the reply mean that the existing provisions of the Aboriginal Heritage Act reflect the attitude and policy of the present Government?

Mr WILSON replied:

- (1) From the director, based on a request to the trustees.
- (2) Mr Randolph submitted a written submission as the basis of discussion at the inquiry on 3 April. In that submission he made a case for the inquiry to take a broader view of the definition of "site" than Mr Seaman appeared to accept in his discussion paper. In particular he contended that Mr Seaman should address all kinds of sites, i.e. to include those of significance to Aborigines as well as those of archaeological significance. The press report referred to "sacred sites" whereas the definition of "site" under the Aboriginal Heritage Act encompasses both "sacred" and other kinds of sites. Mr Randolph also contended that if spirituality is conferred on a place by an Aboriginal person it should be registered. However that does not mean it should receive the full protection of the Act if there are

conflicting claims for its use. The Minister has the responsibility for deciding on its use under Section 18 of the Act, taking into account all relevant factors.

- (3) The views expressed by Mr Randolph were consistent with the definition of "sites" under Section 5 of the Aboriginal Heritage Act.

RAILWAYS: WESTRAIL

Staff: Transfers

2888. Mr PETER JONES, to the Minister for Transport:

- (1) Adverting to the reply given to question 2565 on Thursday, 22 March 1984, if the quotation which appeared in *The West Australian* on Monday, 27 February 1984 was out of context, will he please advise what was his statement?
- (2) By what method is it proposed that "all Westrail staff will be usefully employed by suitable division of work"?

Mr GRILL replied:

- (1) The words "They may sit around doing nothing, but there is no plan to transfer them" were actually words used in a question put to me by one of the union members present at the meeting. I responded that, yes, there may be some underutilisation of staff to begin with but that should only be a temporary situation and should abate fairly quickly.

I might add that there were a number of misquotes in the article in question, some of which have been corrected in a subsequent issue of *The West Australian*. The meeting was obviously a difficult one for any journalist to properly cover because of its nature.

- (2) (a) By retraining of suitable operating staff as driver's assistants;
- (b) movement of suitable staff to other work as it becomes available;
- (c) transfer of staff other than guards affected by two-man crew proposals to other depots;
- (d) clearance of outstanding leave.

It is also expected that a Westrail voluntary severance scheme, similar to that which was successful last year, will start shortly. The scheme will attract a fairly large number of

Westrail employees, essentially older people, who may wish to retire with dignity and some financial reward.

RAILWAYS: WESTRAIL

Staff: Transfers

2889. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the proposed reduction of Westrail personnel in Narrogin, what is the present estimate of personnel reduction which will occur amongst Westrail staff in Narrogin?
- (2) From which respective areas of Westrail's activity will the reductions be made?
- (3) On present planning, what timing is involved in implementing the proposed reductions?
- (4) How many personnel will be offered transfers to other Westrail depots?
- (5) When is it proposed to have further discussions with the Westrail personnel involved in the staff reductions and relocations?

Mr GRILL replied:

- (1) It is now expected that approximately 115 positions will be affected, but I must stress that planning has not reached finality as yet.
- (2) Operating staff
Skilled and semi-skilled
Salaried staff
- (3) Anticipate staff reductions will commence late 1984.
- (4) Over the next five years, approximately 100.
- (5) Interviews commenced in the great southern area this week.

2890. *This question was postponed.*

FUEL AND ENERGY

State Energy Commission: Housing

2891. Mr PETER JONES, to the Minister for Minerals and Energy:

Adverting to the reply given to question 2811 of Thursday, 5 April 1984, what is the present relationship between rental levels applying to State Energy Commission housing and those applying to

tenants in Government Employees' Housing Authority dwellings?

Mr PARKER replied:

Present rental levels of State Energy Commission housing expressed as an average of Government Employee Housing Authority rental rates are—

- 31.5 per cent north-west
- 65.0 per cent major towns south-west
- 60.0 per cent small towns south-west

FUEL AND ENERGY: ELECTRICITY

Power Station: Collic

2892. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Regarding the Government's decision to relocate the proposed new coal-fired power station from Bunbury to the Collic Basin, was the Government's decision based on recommendations received from the State Energy Commission?
- (2) On what basis was the original decision to establish the proposed power station adjacent to the existing Bunbury facility changed?
- (3) What cost savings and economies will it be possible to implement by establishing the proposed power station in the Collic Basin as against the Bunbury site?

Mr PARKER replied:

- (1) Yes.
- (2) The decision reached by Public Works Department to allow the Energy Commission to make use of the ground water resources of the Collic Basin for this new power station, as indicated in my reply to question 2751, overcame the original barrier to locating further power plant in the Collic area.

At this stage the Bunbury site has a number of environmental disadvantages, these being the aesthetic impact on the foreshore; the disturbance to Koombana Bay and near shore waters caused by cooling water flow and temperature effects; and the noise and coal transport activities within a comparatively developed area.

- (3) The capital and operating cost savings are equivalent to at least \$70 million in present terms.

2893 to 2898. *These questions were postponed.*

RAILWAYS

Bunbury-Perth

2899. Mr BRADSHAW, to the Minister for Transport:

- (1) When is the anticipated start of the new train service from Perth to Bunbury and vice versa?
- (2) At which stations will the train stop coming and going?
- (3) How many services a day will there be and will the service be every day?

Mr GRILL replied:

- (1) Early 1987.
- (2) The stopping places have not been finalised at this stage.
- (3) It is envisaged there will be two return services on weekdays, one an express and the other a limited stopping train. One service will leave from Bunbury and the other from Perth. In addition, one return service will operate on Saturdays and Sundays.

2900 and 2901. *These questions were postponed.*

TOURISM: COMMISSION

Advertising: Radio Station 6PR

2902. Mr MacKINNON, to the Minister for Tourism:

- (1) When was the decision made, and by whom, that 6PR would be the only radio station used by the Tourism Commission for radio advertising in Perth?
- (2) What were the reasons for this decision?
- (3) What is the Tourism Commission's total promotions budget in 1983-84?
- (4) What proportion of that budget will be spent—
 - (a) in Western Australia;
 - (b) in other States of Australia;
 - (c) overseas?
- (5) In Western Australia, what proportion of that budget will be spent on—
 - (a) television;
 - (b) newspaper;
 - (c) radio; and
 - (d) other; advertising and promotion?

Mr BRIAN BURKE replied:

- (1) and (2) Refer to answer submitted to parliamentary question from Mr W. R. B. Hassell to the Minister for Tourism on Wednesday, 11 April.
- (3) \$2 490 000.
- (4) (a) 31 per cent;
(b) 55 per cent;
(c) 14 per cent.
- (5) (a) 32 per cent;
(b) 6 per cent;
(c) 13 per cent;
(d) 49 per cent.

TOURISM: COMMISSION

Advertising: Radio Station 6PR

2903. Mr MacKINNON, to the Minister for Tourism:

- (1) With respect to the Tourism Commission's contract with Radio 6PR, over what period of time will the advertisements be run?
- (2) What is the value of the contracts?
- (3) Has the commission placed any advertising with any other radio station in Western Australia?
- (4) If so, what stations, and what is the value of the advertising placed with the station?

Mr BRIAN BURKE replied:

- (1) 20 February 1984 to 30 June 1984.
- (2) Refer to answer submitted to parliamentary question from Mr W. R. B. Hassell to the Minister for Tourism on Wednesday, 11 April.
- (3) Yes.
- (4) 6KY—\$5 000.

TOURISM

Bungle Bungle: Management Plan

2904. Mr MacKINNON, to the Minister for Tourism:

- (1) Is it fact that the working party appointed to complete a central and management plan for the spectacular Bungle

Bungle area in the Kimberley has decided to defer the matter until after the Seaman inquiry is complete?

- (2) If so, will he urgently intervene and request the working party to complete its work as a matter of urgency so that the area can be promoted actively as a major Western Australian attraction?
- (3) Will he also agree to appoint a representative of private tourist interests to the working party?
- (4) If not, why not?

Mr BRIAN BURKE replied:

- (1) No.
- (2) Not applicable.
- (3) The interests of the tourist industry are represented on the working party by the Tourism Commission.
- (4) Not applicable.

ROAD

Gunbarrel Highway

2905. Mr MacKINNON, to the Premier:

Should Carnegie Station be handed over to the Aboriginal Land Council, will he ensure that Gunbarrel Highway will still be available and accessible to tourists?

Mr BRIAN BURKE replied:

Yes.

HOUSING

Construction Programme

2906. Mr MacKINNON, to the Minister for Housing:

How many State Housing Commission homes will be built in the 1983-84 year in—

- (a) the Perth metropolitan area;
- (b) the country?

Mr WILSON replied:

The number of units to be constructed and provided in 1983-84 are—

- (a) Perth metropolitan area
Commonwealth-State housing—953 units
Aboriginal housing—33 units
- (b) Country area
Commonwealth-State housing—298 units
Aboriginal housing—38 units

North-west area
Commonwealth-State housing—
158 units
Aboriginal housing—50 units

RECREATION

Community Sporting and Recreation Facilities Fund: Grants

2907. Mr MacKINNON, to the Minister for Youth and Community Services:

When will he be in a position to announce grants made to organisations under the community sporting and recreation facilities fund?

Mr WILSON replied:

Successful applicants are being notified this week, and subsequent to that there will be a public announcement.

TRANSPORT: BUSES

Terminal: Working Party

2908. Mr MacKINNON, to the Minister for Transport:

Since its formation, how many times has the working party referred to in question 2800 of Thursday, 5 April, met?

Mr GRILL replied:

Twice, on 18 October 1983 and 30 January 1984. In addition, several informal meetings have been held.

TRAFFIC

Lights: Herald Avenue-High Road-Wavel Avenue Intersection

2909. Mr MacKINNON, to the Minister for Transport:

In his response to my question of 20 March concerning traffic control signals at the intersection of Herald Avenue, Wavel Avenue, and High Road in Riverton, he indicated that the Main Roads Department will be approaching the Canning City Council to arrange for the necessary modifications to be made to the intersection as a prerequisite for the installation of these signals. When will this approach be made?

Mr GRILL replied:

It is anticipated that the approach to Canning City Council will be made within about 4 weeks.

STATE ASSETS

Management

2910. Mr MacKINNON, to the Premier:

In reference to question 2724 of 1984, can he detail who it is that has asked the Government to implement its election commitment to sell surplus State Housing Commission land so as to fund an expanded housing construction programme?

Mr BRIAN BURKE replied:

The second paragraph of the answer in respect to question 2724 should have read as follows—

The Government has already started to implement its election commitment to sell surplus State Housing Commission land so as to fund an expanded housing construction programme.

RAILWAYS: WESTRAIL

Staff: Redundancies

2911. Mr MacKINNON, to the Minister for Transport:

When does he anticipate that he will approve the Westrail voluntary redundancy scheme?

Mr GRILL replied:

Westrail has under study an expanded voluntary severance scheme to cover all age groups, and it is hoped this can be finalised within the next few weeks.

ABATTOIRS

"Tender Gold" Programme

2912. Mr BLAIKIE, to the Minister for Agriculture:

- (1) In how many abattoirs can "tender gold beef" be produced, and where are they located?
- (2) What has been the individual abattoir cost of setting up appropriate equipment?
- (3) Can non-export abattoirs be involved in the "tender gold" programme and under what conditions and cost?
- (4) Has "tender gold" been successful, and how has the success been measured?
- (5) What impact has "tender gold beef" had on beef consumption in—

- (a) metropolitan;
 - (b) non-metropolitan areas of the State?
- (6) What surveys have been carried out in the—
- (a) metropolitan;
 - (b) south-west,
- areas to assess any consumer impact and by whom?

(iii) a recent telephone survey was conducted to investigate consumer awareness and satisfaction with "tender gold beef";

(i) and (ii) conducted by Australian Marketing Service; (iii) conducted by Department of Agriculture

(b) nil.

Mr EVANS replied:

- (1) Eleven abattoirs are participating in the scheme. They are located at Northam, Wooroloo, Robb Jetty, Harvey, Brunswick, Australind, Bunbury, Boyanup, Busselton, Dardanup, and Narrogin.
- (2) Ten of the participating abattoirs have installed electrical stimulation equipment. Nine have low voltage units costing between \$2 500 and \$6 000. One has a high voltage unit costing approximately \$20 000. The remaining abattoir employs a tender stretch technique which requires no special equipment.
- (3) Yes. The same conditions apply.
- (4) Indications from trade spokesmen are that acceptance is increasing. No abattoirs have withdrawn from the scheme since its inception.
- (5) (a) No data on overall consumption of beef is available; however, one supermarket chain which actively promotes "tender gold" has reported a 50 per cent increase in beef sales since the inception of the "tender gold" promotion;
- (b) no data is available.
- (6) (a) Three surveys—
 - (i) an initial in-store survey of 400 customers identified the factors considered important in relation to beef quality and their attitudes towards a branding system to indicate quality;
 - (ii) a pre-launch survey of 400 customers identified consumer attitudes to the colour and design of the "tender gold beef" brand;

PORTS

Container Terminal

2913. Mr BLAIKIE, to the Minister representing the Minister for Planning:

- (1) Has the Government given any consideration for a shipping container terminal as an alternative to that existing in Fremantle Harbour?
- (2) What sites have been under consideration, the projected costs of development, and the reason for acceptance and/or rejection of sites?
- (3) Did the Government give any consideration to—
 - (a) Geraldton;
 - (b) Bunbury;
 - (c) Albany,
 being developed as a container terminal alternative, and if not, why not?
- (4) Was the South West Development Authority requested to make any input supporting the "Bunbury 2000" concept, and if not, why not?
- (5) If the Catherine Point area is under active consideration, does this infer that the Government sees that the future of Robb Jetty will diminish by this proposed industrial expansion?
- (6) What sites are favoured by the Fremantle City Council?

Mr PARKER replied:

- (1) to (6) The matter is still to be considered by the Government.

2914 to 2916. *These questions were postponed.*

CONSERVATION AND THE ENVIRONMENT

Waterways Commission: Membership and Terms of Reference

2917. Mr BLAIKIE, to the Minister for Water Resources:

- (1) Who are the members of the Waterways Commission?
- (2) When were they appointed and what interests do they represent?
- (3) What are the objects and functions of the commission?

Mr TONKIN replied:

- (1) The members are—
 D. N. Robins—Commissioner
 M. H. Shean—Member
 O. H. Tuckey—Member
 D. P. Eckersley—Member
- (2) D. N. Robins—17/10/79
 M. H. Shean—29/6/83—Chairman, Swan River Management Authority.
 O. H. Tuckey—2/3/77—Chairman, Peel Inlet Management Authority.
 D. P. Eckersley—9/3/77—Chairman, Leschenault Inlet Management Authority.
 The members are appointed on the basis of being residents of the area and have an interest in the waterways.
- (3) Waterways Conservation Act 1976 as amended, Sections 23, 24, and 25.

2918. *This question was postponed.*

MINISTER OF THE CROWN

Staff: Mr Bill Thomas

2919. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is Mr Bill Thomas a ministerial adviser to the Minister for Minerals and Energy?

(2) Is Mr Thomas an adviser on resources development finance as referred to in *The Western Mail* of 24-25 March?

(3) If the answer to (2) is "Yes", what are Mr Thomas' qualifications, experience, and capacities which recommend him for such an appointment?

(4) If Mr Thomas does not act as an adviser in this area, what responsibilities does he have?

Mr PARKER replied:

- (1) Mr Thomas is a ministerial officer—special services, employed under contract with the Premier and assigned to the office of the Minister for Minerals and Energy.
- (2) No.
- (3) Answered by (2).
- (4) Such duties as are assigned to him from time to time by the Minister for Minerals and Energy.

2920. *This question was postponed.*

MEMBERS OF PARLIAMENT

"De Facto" Spouses: Entitlements

2921. Mr COURT, to the Premier:
 When did the Government start paying entitlements to *de facto* spouses of members of Parliament?

Mr BRIAN BURKE replied:

To the best of my knowledge, no members have been paid entitlements for *de facto* spouses during this Government's term of office.

GOVERNMENT CONTRACTS

Preference: Abolition

2922. Mr COURT, to the Minister for Industrial Development:

- (1) Will he continue the policy of preference to local firms for Government contracts?
- (2) Have the Labor Governments of New South Wales, Victoria, and South Australia applied pressure for the Western Australian Government to discontinue this preference?

Mr BRYCE replied:

- (1) and (2) It is my intention to make a ministerial statement which will cover the issues raised by the member.

FUEL AND ENERGY: GAS

Appliances: Installation and Servicing

2923. Mr COURT, to the Minister for Minerals and Energy:

- (1) How many State Energy Commission personnel are involved in providing installation and/or servicing of gas appliances?
- (2) Are the above personnel employed on a day labour basis?
- (3) What wages, benefits, or any other emoluments are received by the State Energy Commission personnel engaged in the above activity?
- (4) What is the level of charges rendered by the State Energy Commission for installing and/or servicing gas appliances?

Mr PARKER replied:

- (1) Between 30 and 50 depending on workload.
- (2) They are normal wages employees.
- (3) Wages, benefits, and other emoluments are determined by the Gas Workers (S.E.C.) Agreement registered in the Western Australian Industrial Commission.
- (4) Charges vary according to the job in question, but are calculated using an hourly rate plus overheads for labour and cost of material plus mark-up.

TECHNOLOGY: PARK

Medical Incorporated: Government Equity

2924. Mr COURT, to the Minister for Technology:

Will the Government have an equity interest in Medical Incorporated when it is established in Western Australia?

Mr BRYCE replied:

No.

TECHNOLOGY: PARK

Medical Incorporated: Heart Valves

2925. Mr COURT, to the Minister for Technology:

- (1) Are the heart valves to be manufactured by Medical Incorporated at the Technology Park fully approved for use in the United States of America?
- (2) Can they be exported from the United States of America?

Mr BRYCE replied:

- (1) I understand that the heart valves to be manufactured at the Technology Park are currently in use in about 35 centres in the United States.
- (2) The components are approved for export from the United States. The assembled heart valves are currently undergoing the normal lengthy certification process by the Food and Drug Administration for export from the United States.

FISHERIES

Swan River: Licences

2926. Mr OLD, to the Minister for Fisheries and Wildlife:

- (1) How many fishermen hold a professional licence to operate in the Swan River?
- (2) Have any licences been issued in 1983 or 1984?

Mr EVANS replied:

- (1) 20.
- (2) No.

TRAFFIC

Accident: Holt Rock-Kulin Road

2927. Mr COWAN, to the Minister for Police and Emergency Services:

- (1) Was there a fatal accident on the Kulin-Holt Rock Road on Sunday 1 April?
- (2) At what time did the accident occur?
- (3) When was the accident reported to the Police?
- (4) At what time was the accident attended by the Police?
- (5) From what Police station were the officers who attended the accident?

Mr CARR replied:

- (1) Yes.
- (2) 4.10 p.m.
- (3) 5.45 p.m.
- (4) 10.15 a.m., 2/4/84.

When the accident was reported, it was stated that it had occurred 19 miles south of Hyden, on the Newdegate Road.

Police attended forthwith, and travelled 50 kilometres south of Hyden on the Newdegate Road; however, they could not locate the scene of any accident.

The attending officer returned to Kondinin at approximately 8.00 p.m. and, on inquiry, was advised that the accident had occurred approximately 100 metres from the Hyden-Newdegate-Holt Rock-Kulin Roads intersection, on the north-east side of the Holt Rock-Kulin Road. The body had been conveyed to Kondinin Hospital, and life was certified extinct. The father of the deceased was aware.

Inquiry constables attended the scene at 10.15 a.m. on April 2 to continue inquiries.

- (5) Kondinin.

QUESTIONS WITHOUT NOTICE

MINISTERS OF THE CROWN

Questions Without Notice: Absence

707. Mr BRIAN BURKE (Premier):

Mr Speaker, with your indulgence and the Leader of the Opposition's indulgence, I point out to the House that four

Ministers are missing today. They are Ministers Parker, Evans, Davies, and Hodge. Ministers Parker and Evans are absent overseas and Ministers Davies and Hodge are at ministerial conferences in the Eastern States. I have noted the Opposition's concern previously at the absence of Ministers during question time. It is not our wish that they should be absent. However, there are occasions such as the one we are experiencing today when it is unavoidable and Government business requires their attendances at places other than the Parliament.

LAND: ABORIGINES

Rights: Inquiry

708. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Is he aware that a Perth solicitor, Philip Vincent, who was also a Labor candidate for the seat of Dale during the last State election—

Mr I. F. Taylor: He nearly won.

Mr HASSELL: Yes, he nearly did. To continue—

—sought a payment for \$25 000 from the Kimberley Land Council for the preparation of its submission to the Seaman inquiry?

- (2) Is the Minister also aware that the Kimberley Land Council agreed to pay Mr Philip Vincent a total of \$16 000 for the preparation and finalisation of the Kimberley Land Council's submission to the Seaman land inquiry over a period of a month and a half—which, assuming a five-day working week, works out at \$533 a day, less some expenses?
- (3) Is the Minister further aware that Community Aid Abroad, which has recently conducted an appeal in this State—it involved many members of the community in that appeal—made a donation of \$12 000 to the Kimberley Land Council and it is understood to have put aside a further \$8 000 for that body?
- (4) Is the Minister further aware that the Kimberley Land Council has received \$60 000 from a committee headed by the member for Kimberley, and the State Government, towards the cost of making its submission to the Seaman inquiry?

- (5) Is the Minister aware that the Kimberley Land Council has received a grant of \$40 000 from the Commonwealth Government towards the purchase and repair of a house by that body?

Mr Brian Burke: When you say, "Is the Minister aware", are you saying that it is a fact and you are asking whether he is aware of it?

Mr HASSELL: I am asking him whether he is aware of it.

Mr Brian Burke: They may or may not be true.

Mr MacKinnon: Can't you let the Minister answer the question?

Mr Brian Burke: I wanted to clarify it for my own purpose.

Mr WILSON replied:

- (1) to (5) If the Leader of the Opposition wanted a substantive answer to that question and have it answered with full accuracy, he would have put it on notice. I am prepared to answer it on notice. I am aware of some of the matters he has raised. The matter of donations from bodies such as Community Aid Abroad is outside the responsibility of the Government, so the Government cannot answer for those organisations. With regard to some of the other matters, certainly the Government can answer the questions. However, I ask the Leader of the Opposition to put his question on notice and I will ensure he receives a full and detailed answer.

ALUMINA REFINERY

Wagerup: Economic Impact

709. Mr READ, to the Premier:

- (1) Is it possible to provide any measure of the likely economic impact on the State of operations of Alcoa's Wagerup alumina refinery which was formally commissioned today?
- (2) If so, what is the economic impact, especially in terms of employment?

Mr BRIAN BURKE replied:

- (1) and (2) There are a number of yardsticks by which the economic impact of the refinery can be measured and whichever one is chosen, they all point to the significance of the project.

In purely local terms, the impact on the south-west will be substantial. After making deductions for pay-as-you-earn taxes and payroll tax, the refinery's net annual payroll will be more than \$9 million, most of which will be spent in the immediate area—Warooka, Harvey, Pinjarra, Mandurah, and Bunbury.

In Warooka and Harvey, 144 units of housing have been built and another 18 lots acquired for housing. Employees will have the opportunity to buy the housing under a company scheme, so they will become a permanent part of the local communities.

The State will derive payments from royalties, rail freights, payroll tax, and the sale of power estimated at \$5.8 million a year. When Wagerup is in full production using North-West Shelf gas, it will consume gas worth about \$26 million a year.

After taking all these benefits into account, plus other supplies and services and capital expenditure, Wagerup's total impact on the Western Australian economy is estimated to be \$62 million a year.

The refinery has created 440 jobs directly and considerably more jobs indirectly—perhaps as many as four indirect jobs for each direct job.

With respect to employment, I should also say that the construction work force peaked at 1 500 and the refinery represents a capital investment of \$320 million. Of the construction contracts, 85 per cent went to WA companies.

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL

Effect on Housing Industry

710. Mr MacKINNON, to the Minister for Housing:

What are the serious qualifications to which he refers, in his answer to question without notice 670 of 4 April that made meaningless the State Housing Commission investigation into the effects on SHC building costs of the proposed amendments to the industrial relations legislation?

Mr WILSON replied:

Just about every authority to which I have spoken since I answered that question has agreed with the statement I made. This week I met with the National Director of the Housing Industry Association. I understand that he also met with members of the Opposition. It was his advice to me that it was not possible to quantify any of the costs or likely increases in costs arising from that legislation. The Master Builders' Association of WA has refused, in its public statements, to quantify any of the costs likely to arise from that legislation. In spite of the fact that it has carried out research, the association has made a calculated decision not to quote in its publicity the results of that research because it believes they are questionable. The Opposition—particularly the Deputy Leader of the Opposition—is up the creek completely in continually raising this matter. Every other authority in industry and elsewhere is refusing, as I am refusing, to try to quantify that which cannot be quantified.

EDUCATION

Appropriation (Consolidated Revenue Fund) Bill: Response from Minister

711. Mr PEARCE (Minister for Education): The member for Karrinyup some time ago raised a question about question 2576 to the Premier seeking responses to his Budget rhetoric last session, and I table the complete response to that question.

The paper was tabled (see paper No. 711).

WATER RESOURCES

Catchment Area: Stinton Creek

712. Mr SPRIGGS, to the Minister for Water Resources:

- (1) Has the Minister's department made its final decision on declaring Stinton Creek watershed an active catchment area?
- (2) Was any consideration given to a land usage study as requested by myself and the residents by letter and by a petition to this House?
- (3) If so, are the findings available to the public?

- (4) Is there now a definite time when development will take place to harness that stream?

MR TONKIN replied:

I preface my answer by pointing out that the questions I have in front of me are worded slightly differently from those read out by the member, but I do not think the different wording substantially alters the questions. I wanted to mention that in case it is felt that some of the words have a slightly different meaning. The answers are as follows—

- (1) A final decision has not been made on the declaration of a water reserve over Stinton Creek.
- (2) and (3) The request for a land study in the petition implied there would be a loss of income to the district from both the export and the local fruit market.

The MWA has made it quite clear that it wishes to retain the rural zoning of this area and that it would not discourage either the continuation or expansion of the orchard industry.

Two studies relevant to land planning in this area have already been carried out.

One was by the MRPA as part of the corridor plan titled "Planning Structure for the South East Corridor—Stage A Report" November 1978, and the other was published by the MRPA and the Town Planning Board in 1980 titled "A Rural Small Holdings Policy Study—WA". Both these studies recommended rural zonings for the Stinton Creek area.

The above are public documents and are available through normal library sources.

- (4) The construction of the scheme will not be undertaken for at least 10 years.

Stinton Creek, which is a tributary of the Canning River, is an important water resource not affected by salinity and located in an area of reliable high rainfall.

The property owners on the Stinton Creek catchment are simply being asked to agree to make it possible

for the community to utilise, at some time in the future, a resource which is surplus to their own long-term needs. In the meantime, they are also being asked to continue to carry out reasonable housekeeping in order to protect the quality of this resource, not only for the benefit of the general community but also in their own interests.

In other words I am saying that if they manage their properties well as I believe they are doing and have done, that is all the authority is asking. That will benefit not only the community but also the property owners. I sighted a letter from Mr Littlely to various members of Parliament in which he made a statement to the effect that I agreed that the value of property in the area would be reduced as a consequence of this action by the authority. I made no such statement. I said I could understand the concern of those who feared that might happen, but that is a very different matter.

Because of the slightly different wording of the questions, I will table both copies. If the member wishes to compare them he may, but I do not think the differences are substantial.

The papers were tabled (see paper No. 712).

INDUSTRIAL RELATIONS: DISPUTE

Public Transport: Discussions

713. Mrs WATKINS, to the Premier—

Did he hold discussions this afternoon with representatives of the Metropolitan Transport Trust drivers and conductors union regarding tomorrow's threatened bus stoppage? If so, was any progress made towards averting the stoppage?

Mr BRIAN BURKE replied:

Earlier today I was telephoned on behalf of the union and asked whether I would meet members of the union which was contemplating a stoppage at 8.00 a.m. tomorrow, with the prospect of an indefinite stoppage following that meeting. This afternoon, together with the Minister for Transport, and the Minister for Industrial Relations, I had discussions

with the secretary and another representative of the union concerned. I told them the Government could not be expected to give undertakings about comments made in an MTT discussion paper that had not been submitted to the Government and in respect of which it had not made decisions. That is, if we were to dictate to people preparing discussion papers the sorts of matters they could canvass, we were unlikely to elicit useful discussion papers that would contribute to the progress of anything.

The union representatives agreed with me that the Government's view of the necessity to develop a five-year corporate plan for the trust was sound and that that strategy should be developed. I invited the union on that basis to prepare its own discussion paper if it thought that the paper the trust had prepared neglected to take account of the input the union thought it could profitably and properly make.

I suggested that the union should be closely involved in the development of the proposed five-year plan for the MTT. I also said the Minister for Transport would be prepared to meet the union next week to discuss in detail specific concern about suggestions in the discussion paper that had aroused the objections that led to the threat of a stoppage and a strike.

The union representatives said they would take note of the propositions I put to them and would discuss them with the union's committee with a view to making recommendations to its members. At the risk of annoying the Opposition, I point out it is quite easy to understand the concern of the union about its members' welfare. The union was confronted—and it is not the fault of the Government or the MTT—with a discussion paper that dealt with one or two matters to which it has strongly objected in the past, and the union was naturally most concerned that credibility would be attached to those matters and they would progress beyond consultation or negotiation so that its members would be disadvantaged in view of the policies to which they held.

It is my view that the union took precipitate action and did not properly consult the Government about a discussion

paper we had not seen, I understand, prior to these problems being raised by the union. In any event, I am pleased to advise the Parliament the union has informed us there will be no stop-work meeting or strike tomorrow.

Government members: Hear, hear!

PORNOGRAPHY AND VIOLENCE

Video Films: Legality

714. Mr CLARKO, to the Premier:

(1) Is it correct that he attended a public meeting organised by the Australian Family Planning Association on Tuesday, 3 April 1984, and at that meeting stated that the sale or hire of hard-core pornographic video tapes was illegal in Western Australia?

(2) What is the existing legal situation regarding the distribution of pornographic video tapes?

The SPEAKER: Order! The second part of the question would be disallowed because the member cannot seek a legal opinion.

Mr CLARKO: I have not finished the question; I will rephrase it. I ask—

What is the existing situation regarding the distribution of pornographic video tapes? Does the Premier support it or does he propose any legislative or administrative changes to the current situation?

(3) Is it correct that the Department for Administrative Services has approved distribution of 322 pornographic video tapes since January this year, and that these are now being sold throughout Western Australia?

Mr BRIAN BURKE replied:

(1) I attended the meeting to which the member refers. I did not say, as the member maintains, that it was illegal to distribute hard-core pornographic material in Western Australia.

Mr Clarko: I asked a question.

Mr BRIAN BURKE: I would not have said that because it is my view that the question of what is hard-core or soft porn is essentially subjective, except that people might refer to the new Commonwealth classifications and by those classifications assign a hard-core or soft-core title to different items. So although

I spoke for a long time and answered a lot of questions I cannot recall having said that and would not have said it.

(2) The second question asked by the member raises an interesting situation. I hope members will realise that in our period in office we have moved to strengthen the sanctions which previously allowed the police to police the distribution and sale of this material. Amendments to the Indecent Publications and Articles Act in December, supported by the Opposition at that time, clearly made it much easier for the police to prevent certain offences from occurring. Until that time it was possible, according to the general law, to prosecute people involved in offences or suspected of being involved in offences under this particular law. But the general law probably did not provide specific authority. That was provided by the amendments we moved and which the Opposition supported.

Mr Hassell: If you recall, our support of those amendments was always on the understanding that it would not liberalise or allow more pornographic material to come in; but it has had that effect.

Mr BRIAN BURKE: Reading the second reading debate, that qualification is not stated as fully there as the Leader of the Opposition now states it.

Mr Hassell: It was stated when the legislation was introduced.

Mr BRIAN BURKE: I am only telling the Leader of the Opposition what he had to say at that time. I am prepared to concede that a generous interpretation of his position at that time would lead one to accept what he now says. I do not argue with that. I am simply saying that his position was not as fully stated then as he seeks to state it now.

Let me simply say that the effect of those amendments was to toughen-up the law in respect of penalties or offences.

In 1982 a series of meetings of Attorneys General was initiated with the Federal Attorney General, seeking to frame uniform legislation in this area, affecting all States. It was generally conceded at those meetings that uniform legislation was a desirable thing. It was also true to say about the different States that there was an unevenness

about what people would view as being reasonable or unreasonable in terms of the quality of the material. Nevertheless, the quest for some uniform legislation was certainly acknowledged as being desirable.

The Commonwealth then proceeded to categorise video tapes and other material according to categories which now range down to "X" and "R". This is a longwinded way of saying that I told that meeting I was absolutely revolted by some of the material which apparently conforms to some of those classifications.

Mr Clarko: Did they not boo and jeer at you for some of your comments?

Mr BRIAN BURKE: They clapped me for some of them, too.

Mr Clarko: They did boo and jeer too.

Mr BRIAN BURKE: I do not know about jeering, but some booed.

Several members interjected.

Mr BRIAN BURKE: In any case I do not claim that everywhere I go we never have people jeering.

I indicated to the meeting that I was quite revolted at some of the material which had been categorised under "X" and "R" by the Commonwealth classification. I pointed out to them that under our legislation we maintained an advisory committee with the capacity— notwithstanding the classification accorded to some material by the Commonwealth—to ban that material. I indicated to them—and I have already had discussions with the Minister for Administrative Services and informed the Cabinet—that it was my view that an advisory committee should be looking at the margin at least—and probably a step back from the margin, at the quality—of some of this video material coming into the State. That is the whole story.

- (3) Implicit in the question is some criticism of the quality of some of the tapes. I said to the meeting—and this is one of the things at which they jeered—no matter how difficult one makes the laws, one does not relieve oneself of the responsibility of bringing up one's children. It does not matter what is banned, and it

does not matter how tough we make it for people to obtain pornographic material; the ultimate responsibility cannot rest with the State for bringing up children and preventing them from seeing things that we as parents do not want them to see. It is the responsibility of us all to make sure that our children do not have access to this material. They booed and jeered about that. So be it.

PORNOGRAPHY AND VIOLENCE

Video Films: Distribution

715. Mr HASSELL to the Premier:

Given that Western Australia has constitutional authority to introduce better laws to prevent the sale, hire and distribution of this revolting pornographic and violent material—

Mr Bryce: Which you never did, in nine years.

Mr HASSELL: —and given that the material continues to flow into Western Australia, despite the action the Premier says he has taken—

The SPEAKER: Ask the question.

Mr HASSELL: I ask—

Will the Premier move, through his Government, immediately and urgently to amend the Western Australian law to counter the effect of the decisions of the Commonwealth Government which have brought about uniformity of pornography?

Mr BRIAN BURKE replied:

I do not know whether the Leader of the Opposition is faint of hearing, or faint of appreciation of the matter, because I have already explained to him what the position is. I am sure he would understand from his experience—an experience stretching over nine years, when nothing was done to counter the problem he has so lately discovered—that it was left to this Government to take action to tighten up the laws.

Mr Jamieson: He was the Minister in charge.

Mr BRIAN BURKE: He was the Minister in charge for much of that period. He now discovers this problem to which I have already addressed myself in saying that we are concerned and we are paying attention to the matter. Worse than that, the Leader of the Opposition does

not seem to understand that the advisory committee, on appeal or on the initiative of the Minister, can ban the material of which he complains.

I have already indicated, in response to a previous question, that I have drawn the Cabinet's attention and the attention of the responsible Minister to my view of some of the material which appears to be finding its way into this State. Bearing in mind the ability of the committee to take action to ban the entry of some material, notwithstanding the Commonwealth classification, the Leader of the Opposition now seeks to make some political gain.

I will say one thing: If it is left to people like the Leader of the Opposition to ban or to reject material from time to time, we will have neck-to-knee bathers, and skirts down to people's ankles.

GOVERNMENT CHARGES

Purchasing Preferences: Abolition

716. Mr D. L. SMITH, to the Deputy Premier:

Has the State Government been under pressure from other Australian Governments to abandon its preference policy which applies to the purchase of equipment and goods by Government agencies and departments?

Mr BRYCE replied:

The answer, in short, is "No". The matter was raised at the meeting of interstate Ministers last June by representatives of the Governments of Victoria and South Australia. Since that time they have given me up as a lost cause.

Mr Williams: Have we not all?

Mr BRYCE: That may well be from the point of view of the member for Clontarf, but I suspect he will be around

long enough to learn the error of his ways in reaching that hasty judgment.

I hope members opposite will accept the spirit in which the discussion paper before us was released by the Government. It may not happen to sit comfortably on those who governed the State for a period of nine years prior to 1983, but it happens to be part of this Government's fundamental approach to the process of consultation.

I re-emphasise that it is a discussion paper; it is not a policy document and there is a vast difference.

Mr MacKinnon: Is this consultation similar to that which you carried out on the industrial relations Bill?

Mr BRYCE: There has been a vast amount of consultation on that Bill. Indeed, there has probably been more consultation on that Bill, which the Deputy Leader of the Opposition was rude enough to inject into this discussion, than on any other Bill that I can remember recently.

The point is that groups as far apart as the Confederation of Western Australian Industry (Inc.) and the Trades and Labor Council of WA, the Tender Board and representatives of Government departments and agencies, have been consulted on this issue. It is now open for people who have a particular and strongly held point of view to bring it to the notice of the Government.

In all sincerity I conclude by saying to the Leader of the Opposition and his colleagues on the front bench that if they have a particular point of view on this subject, let us hear no more carping criticism and let us see something in the form of a constructive submission to the Government.