

Legislative Council

Wednesday, 11 September 2002

THE PRESIDENT (Hon John Cowdell) took the Chair at 4.00 pm, and read prayers.

SEPTEMBER 11, 2001 COMMEMORATION

Statement by President

THE PRESIDENT (Hon John Cowdell): Newspapers record the significance of today, September 11. The headline to the editorial in *The Australian* says it all: "A day for empathy and reflection, not revenge". I ask members to observe one minute's silence for those who lost their lives and those who were victims of September 11.

[Members stood in their places.]

GOVERNMENT'S VEHICLE STAMP DUTY PROPOSALS

Petition

Hon Barry House presented a petition, by delivery to the Clerk, from one person requesting the Legislative Council to urge the Government to review the impact of its vehicle stamp duty proposals, in particular the potential for a negative impact on sales, loss of employment opportunities and the adverse impact of these factors on the West Australian economy.

[See paper No 183.]

WESTERN POWER, UNDERGROUND POWER POLICY

Petition

Hon Sue Ellery presented a petition, by delivery to the Clerk, from one person requesting that the Legislative Council take action to determine -

1. The degree to which Western Power's underground power policy is consistent with public expectations and/or public policy, particularly in non metropolitan areas.
2. The degree to which Western Power has overridden orderly planning procedures in this state and in particular determinations of the WA Planning Commission in attempting to implement its underground power policy.
3. The fairness of the monetary contribution required from private land owners in order to implement Western Powers underground power policy.

[See paper No 184.]

NORTH WEST SHELF JOINT VENTURE, LNG CONTRACT WITH CHINA

Motion

Resumed from 22 August on the following motion moved by Hon Kim Chance (Leader of the House) -

That this House congratulates the North West Shelf joint venture in winning the \$25 billion contract to sell liquefied natural gas to China but calls for a major revamp of the federal Government's Commonwealth Grants Commission process due to the inherent way it disadvantages Western Australians in the sharing of benefits from major resource projects between the Commonwealth and this State.

HON ED DERMER (North Metropolitan) [4.04 pm]: I seek leave for Hon Ken Travers to continue his remarks on this motion at the next day's sitting.

Leave granted.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.05 pm]: The Opposition is supportive of the first part of the motion, and is keen to discuss and debate the second part. The Opposition agrees in principle that the Western Australian Government does not do well enough in its relationship with the Commonwealth. We have proffered that argument for a long time and it is good to hear that the Labor Party now has a view on that matter, which is being expressed through debate on this motion.

I will first speak about the gas contract. Clearly, the \$25 billion deal that has been negotiated between the North West Shelf joint venturers and China is a magnificent achievement. Not long before the decision was made, the general view around the place was that Western Australia would not be successful, even though a huge amount of work had been

done by a lot of people. So it was with a little surprise that I heard that we had been successful. I was in Karratha on the day it was announced. That was great news for Karratha and equally great news for Western Australia and Australia.

It has been recorded that the endeavour to obtain this contract was the result of the combined efforts of a range of different people. That is correct; it was a result of the private sector and Governments of both political persuasions working hard to achieve the contract. I pay particular credit to our former Premier, Richard Court, whose determination in this matter became legendary. During his time as Premier, he visited China on many occasions. He clearly recognised that a Government to Government relationship was necessary before a private sector relationship could be developed with the Chinese. Richard Court spent a lot of time in China. He recognised early in the piece that there was an opportunity for Western Australia to secure a place within the Chinese gas market. He recognised that Western Australia's endeavours in Korea were not as successful as we would have liked, and that China was the place to go next. He was quick off the mark in ensuring that Western Australia's interests were promoted in China. As a result, the credibility of the Western Australian submission became an important negotiating point in the final decision on this contract. The nature of politics is such that a party can work hard while in government but can then lose an election and, after all the hard work has been done, find that the credit resides with the Government that is in place at the time. I acknowledge that Dr Gallop has given credit to his predecessors, but it is important on this occasion to acknowledge the person who saw the opportunity ahead of anybody else, and was able to see it come to fruition.

The number of jobs that will be created in Western Australia because of this contract is very good news for Western Australia. However, we must be wary; this is not the second gold rush, as some people have said, and a massive number of jobs will not be created. This type of industry does not employ a large number of people. It will employ many people during the construction stage but it will not employ many people after that. It is a pity that some of the resource projects in Western Australia are becoming increasingly less job intensive and increasingly more capital intensive. The benefits from this project might not be as significant as we initially thought.

The project is good news for Western Australian industries because significant investment in capital requirements will be needed. We hope that a significant amount of that capital will be spent in Western Australia and that Western Australian businesses will do very well. The venture is important for the State Government because it will be responsible for significant increases in royalties. However, we know that, ultimately, not all the royalties will flow to Western Australia. Initially, the royalties will come to Western Australia but they will then be redistributed. I will come to that argument shortly.

Without seeking to be negative, I flag to the Government that although this project is massive and is wonderful news for Western Australia, we must be very careful that we do not exaggerate the benefits that will flow from it. I am particularly concerned about places like Karratha, which has been sitting on the edge of a potential boom for many years. People have invested money in that town on the expectation of significant growth, which has not happened in the magnitude that people have expected. Over the years, many people have invested a lot of money in Karratha and have had very poor returns. Many people who, for example, invested in housing there receive very low rents, if any, for their properties. It concerns me that because some of those people are starting to get a decent return on their investments they are being told that housing rents should be capped so that people do not pay too much. The duration of the investment, not just the annual arrangement, should be considered. Those who are currently doing well should not have to cap their rents, whereas it is just bad luck for those who are doing badly.

Talk of the second gold rush, massive job creation and things of that nature have been exaggerated. We must be careful not to create expectations that cannot be met in communities like Karratha. I have had a lot to do with that town over the years and I have seen it experience ups and downs. It would be better if we could reduce the peaks and raise the troughs for those towns. There is a potential period for solid growth in Karratha, not so much because of this deal but because of some of the other contracts that we hope will be finalised in the Burrup in the near future. We must be careful of not only the expectations that we create. I will flag to the House some of the concerns I have about these types of projects in the future. A number of issues on the horizon are cause for concern and threaten our capacity to attract overseas investment. Again, I am not trying to be negative; I just flag these issues because the Government must be aware of them and it must take them seriously.

I have already talked at some length about native title and I do not propose to go into that today other than to say that it is a threat to investment. Unless a way can be found to resolve the issues surrounding native title, companies will continue to lose interest in investing in Western Australia. They do not want to have to wait a long time before native title claims are determined. We must sort out the issue of native title once and for all. I suggested getting rid of the Native Title Act and starting again. If that will not happen, the Government must do more than say it will negotiate its way through the issue. Before the last election, Eric Ripper told us that the previous Government was all about litigation and that this new Government would be about consultation and negotiation. In the Burrup, a matter has been referred to the National Native Title Tribunal because negotiation has not succeeded. That is the first test of native title for this Government and it has not worked. A very large amount of money - estimated by some to be \$40 million - is being spent to encourage a resolution of the native title problem. That threat must be resolved. We must deal with native title in a better way.

Environmental issues are becoming a threat to investment in Western Australia. Last night, I mentioned some of these when I talked about a number of issues in the Pilbara. I refer to the Mineralogy Pty Ltd legislation and the decisions made by the Environmental Protection Authority. The environmental lobby has actively worked to discourage development of industry in Western Australia. Those sorts of issues are becoming serious threats to this State. Companies will find other parts of the world in which to invest if they find it too difficult to do business here.

Aboriginal heritage issues are the next battleground, if I can put it in those terms, for industrial development in Western Australia, particularly for the mining industry. Rock carvings in the Burrup, which is a heritage issue in a sense, will cause potential or significant investment problems. The new industrial relations legislation is yet to bite, but the new labour relations laws are an impediment to investment, particularly in regional Western Australia. If we revert to the good old days of labour relations in the Pilbara, I can assure the Government that the future of the Pilbara will be significantly less than it could otherwise be, which would be a tragedy.

Interestingly, the Leader of the House talked about Alcoa, which has virtually nothing to do with this motion. That issue transcends any particular set of circumstances. Currently, Alcoa, which is a major employer in Western Australia, is suffering from significant criticism in the media on a number of fronts. I have taken a serious interest in Alcoa's involvement in Western Australia for many years. When it first set up in Western Australia, it was in partnership with Western Mining Corporation, with which my father was employed. I have taken an interest in Alcoa since the company came here.

Friends of mine work for Alcoa. Recently, I had intended to go to Jamaica to talk to an Alcoa executive, whom I met here earlier, about the future of Alcoa in Western Australia and other parts of the world. Unfortunately, I had to cancel that trip. I had intended to find out more about Alcoa's attitude to Western Australia and its response to the criticism it is now getting. Like most people, I feel that the greatest advantage in Western Australia, in respect of sovereign risk, is being slowly eroded. Alcoa has put the future expansion of Wagerup on hold and is expanding its plant in Jamaica, which is half owned by the Jamaican Government. The arrangements with the Government there are pretty friendly. Alcoa is also considering further developments in South America, the Caribbean and west Africa, where it has significant bauxite resources, and in other places where the sovereign risk is diminishing.

When I read in the newspaper of the constant criticism of that company, it rings warning bells in my mind. We must be very careful, because other countries would be happy for Alcoa to invest there. They would be happy to have their people employed in the same numbers that Alcoa employs in Western Australia. There are a number of threats to the future of industrial development and investment in Western Australia including native title, environmental and heritage issues and the new industrial relations laws.

The expansion of the Woodside facility on the Burrup Peninsula to accommodate this \$25 billion investment has raised some issues which will have to be resolved in the future. Again, native title is an issue that I have talked about before - there are the rock carvings and problems with the planning processes. The problems associated with the development of industry on the Burrup Peninsula need to be resolved. I have no doubt the Government is aware of this. The bureaucrats certainly know it. They have been saying that we have a window of opportunity now to develop these projects, and we must grab that opportunity, or we may lose it. The Gorgon gas field is a significant gas deposit, and the desire of the developers to use Barrow Island as a location for the downstream processing of the gas is an issue that must be addressed. Environmental questions surrounding that development also need to be resolved. Greenhouse gas emissions will be a problem, because regrettably, the Gorgon gas is high in carbon dioxide. The Government will have to deal with these issues, and the solutions will not be easy. Courage is important in making decisions. The Government has to do what must be done and accept that it must take some of the risks that have been posed by the fringe groups which oppose everything that anyone wants to do in Western Australia.

In conclusion, the Commonwealth-State financial arrangements that are referred to in the motion have not always been a problem for Western Australia. There was a time when Western Australia was a mendicant State. I remember Sir Charles Court, when he was Minister for Industrial Development, being very up-beat when Western Australia ceased to be a mendicant State, and he was very pleased that he was able to create a supportive environment for industry and development in Western Australia to produce enough wealth for the State to pay its way in the Commonwealth. One of the reasons that we were not paying our way may have had more to do with the kind of Governments that were in power in Western Australia than with the Commonwealth-State relationship. From 1959, there has been a massive drive to create industry in Western Australia, and it has been very successful, to the point at which the State now contributes 30 per cent of the export earnings of the nation, and is a major contributor to the tax earned in the nation. The North West Shelf resources were first discovered by Woodside, which put forward proposals for their development. At the time, the Whitlam federal Government was in power and the Minister for Minerals and Energy in that Government was Rex Connor. As I recall, without having done any research into this area recently, the federal Government decided that the gas could be extracted, but the federal Government would decide the price at the well head, and the company would be required to pipe the gas to Sydney, which is where the centre of power in Australia is located. That attitude of the Whitlam Government delayed the project for a number of years. Eventually a decent arrangement was entered into, I suspect by the Malcolm Fraser federal Government and the Sir Charles Court State Government, and the project got up and running. At the time, Sir Charles was able to negotiate quite a good royalty deal for Western Australia with the

Commonwealth, bearing in mind that the North West Shelf is in commonwealth waters. That deal should perhaps be considered for other projects in the future.

One thing I dislike about the current Commonwealth-State financial relationship is the notion that we should financially support Queensland, Tasmania and South Australia. I do not know why Queensland gets more than it earns. From what I can gather, it is a very prosperous State. I have some sympathy for South Australia, which seems to be badly located in the scheme of things, and has not been blessed with the natural resources that we have in Western Australia. However, I have no sympathy for the people of Tasmania, who have decided that sitting under trees and contemplating the meaning of life is far more preferable to going out and attracting industry. The State has been virtually taken over by the green movement, to the point at which there is negative economic growth, and the State is being kept going by the rest of the nation. I do not mind supporting people who are in need, but when the people of a State decide to take the stand against industrial development that the people of Tasmania have, they need to be aware of the consequences of that action and accept them. When I was the Minister for Mines, I met the then Minister for Mines from Tasmania. He was a Labor Party minister, and I was very impressed by his attitude. He was very keen on getting his State's industries up and running. I suspect that he was fighting a losing battle, given the state of politics in Tasmania. I do not derive much pleasure from the notion that Western Australia should support other States in Australia. Because the Western Australian Government and community is required to spend significant amounts of its own money on assisting the development of these projects by providing infrastructure at significant cost, far more consideration should be given to the needs of Western Australia by the Commonwealth Grants Commission when it divvies up the money. During the time the Opposition was in government, it was estimated that \$700 million a year was going out of Western Australia and not coming back. That has now become obvious to the current Government, which is seeking to do something about it. It is interesting that the Labor Party did not support the previous Government when it argued that the State was getting a raw deal from Canberra. We were always told to stop complaining about Canberra, and blaming someone else. Now that the Labor Party is in power and must pay the Bills, it has come to the same conclusion reached by the previous Government over many years.

The Opposition supports the motion. It is important that the House agrees to it, and acknowledges the work done by the joint venturers, and the benefits that will come to Western Australia. It is important, however, that the House also takes into account some of the threats on the horizon to these sorts of projects. They must be dealt with quickly. The Commonwealth-State financial relations must be sorted out. That will not be done on a cooperative basis, because the mendicant States will not agree to a change of rules while they are getting the money. It may be necessary for the Commonwealth to do something about changing those arrangements. With those words, I support the motion.

HON JOHN FISCHER (Mining and Pastoral) [4.28 pm]: I support the motion of the Leader of the House and congratulate the North West Shelf joint venturers for winning the \$25 billion contract to sell natural gas to China. This is a massive achievement that will benefit everyone in Australia. Having said that, I agree with most of the comments made by Hon Norman Moore, the Leader of the Opposition. I believe that this project heralds the start of another battle with the federal Government to achieve equality. I know that I am preaching to the converted when I say that Western Australia does not get its just reward for the effort it puts into sustaining the way of life that most people in Australia have come to expect. Our standard of living can only be maintained by sustainable development, downstream processing and value adding. To attract companies to this State to develop industries, we must put our hands in our pockets. Governments must be able to meet some of the infrastructure and development costs to attract value-adding industries to this State. We might have the natural resources but for too long we have dug them up and shipped them offshore. We have come of age and must now take resource development a step further and develop downstream processing. This will require the State to supply infrastructure to facilitate these industries. To do this, we require a bigger slice of the federal funding pie. After all, we will only be asking to get back some of the revenue that has been collected in this State. It is ridiculous that in the last round of federal grants, every citizen in the Australian Capital Territory received an increase of \$22.98 a head while every Western Australian received a paltry \$2.65 a head. On the other hand, Western Australians contributed an extra \$2.5 billion more to Australia than we got back in grants. Where is the incentive for our State to continue pursuing development, such as the North West Shelf deal, if this situation continues? The next round of developments on the Burrup will cost this State an extra \$300 million, and it is extremely doubtful that we have that money in our coffers to fund it. Either the federal Government should fund this development with a special grant or it should increase this State's funding. If that were to happen, the development of the Maitland estate could be fast-tracked and that would go a long way to preserving the Aboriginal rock art and the pristine beaches of the Burrup that the local residents currently enjoy.

I conclude by reiterating that we must maintain the pressure on our federal counterparts.

HON TOM STEPHENS (Mining and Pastoral - Minister for Housing and Works) [4.33 pm]: I want to record my support for this motion, which has been deliberately framed as a two-part motion. The first part is a congratulatory remark to the North West Shelf joint venturers and is deliberately focused on the private sector that has, by and large, carried the burden of going out and winning this contract. These people from the private sector have utilised all their skills and resources and secured a contract against other players from around the globe who were equally determined to secure it. It was an enormous coup for the North West Shelf joint venture participants. They have been successful and

they deserve to be congratulated by this House on their success. The joint venture participants will be the first to say that they were not able to do this work alone. The bipartisan support for this project of state and federal Governments, both past and present, played a huge part in gaining this contract for this State and the nation.

I was delighted to attend the opening of the new consulate of the People's Republic of China in East Perth and meet the players from government, Parliament, industry, the diplomatic community and the wider community of Perth. On that occasion at the magnificent new facility in East Perth, the Premier of Western Australia, Dr Geoff Gallop, did something that I had not seen done in the previous eight years; he sang the praises of his predecessor, the former Premier, Richard Court, for his persistence in supporting that joint venture effort. The former Premier earned that personal tribute. The work that he did was not easy work. He travelled to China on a regular basis in his attempt to introduce the State and Government of Western Australia and its industry opportunities to the Chinese Government, the Chinese people and the players who were to become critical in the success of this State winning this joint venture project. That was no small task and I was delighted that Dr Geoff Gallop, the present Premier, had the grace and courtesy to praise his predecessor so fulsomely. His singing of the praises and achievements of his political opponent was not something that I had heard in the past and I was delighted to see it happen.

I have also been delighted to sing the praises of all the proponents for the work they have done in the many forums in which I have regularly participated. However, this Government had to add to that work when it was elected to office. Our Cabinet, under the leadership of the Premier and his Minister for State Development, Hon Clive Brown, took up the cudgels on behalf of the joint venturers to ensure that the work that had already been done continued. The achievement is a credit to all who were involved in that work. It is an enormously significant contract and the planning to get that contract over the line has been substantial.

For years, the North West Shelf has been a focus of challenge for the State Government and it has responded to the challenges. Discussions have been going on with the community in the electorate of Burrup, and, in particular, the Shire of Roebourne, to begin planning the developments that will flow from the proximity of that area to such vast quantities of gas along the north west coastline. The gas development opportunities on the north west coast will require the necessary infrastructure and support to be available. Governments of both persuasions have been involved in providing that support, and the planning that has been carried out will put this development up in lights that are bright enough for everyone to see. Contracts such as this North West Shelf joint venture create local economies that make other opportunities more likely. The development of other projects is now possible - some are likely, if not yet certain - as a result of years of planning for that area. It is therefore galling for anyone who has monitored this situation over a long time, as the Leader of the Opposition and I have, to hear new voices trying to undo the planning that has been done in the past and suggesting that the development opportunities that will flow from these and related projects should be moved to other areas. Some issues remain to be resolved. Indeed, environmental clearances must be processed in the Burrup, and, once and for all, we must tackle the issue of how we can best protect the Aboriginal heritage, such as the engravings on the rocks -

Hon John Fischer: It was good the way you extended conciliation and consultation to the Aboriginal groups up there. You are a hypocrite!

Hon TOM STEPHENS: It will be necessary to ensure that Aboriginal heritage issues are taken on board. Anyone who heard Hon John Fischer's interjection knows that that is the last thing of which I can stand accused.

Hon John Fischer: Why did you not speak to them? Why did you not confer with them? You have told them they will have no chance until they change their political attitudes and advisers.

Hon TOM STEPHENS: The honourable member's interjection is false. The task for all native title players is to deal with the Government in good faith so that the issues can be progressed to a point at which they can be brought to a resolution. The players to whom I refer undertook to maintain the confidentiality that was required of them in the negotiations. The players who were responsible for positioning details of the negotiations, as reported on the front page of *The West Australian*, breached the requirement to act in good faith. They made it clear that they were opposed to bringing the native title issues to a resolution in the way envisaged and advocated by the State Government, so it was inevitable that such matters would go before the arbitration tribunal. It is intriguing that a representative of One Nation - I think that is the party he represents -

Hon John Fischer: At least I know who I represent. I do not take a hypocritical stance like you.

Hon TOM STEPHENS: I do not accept the member's comments. I know where I stand on these issues. The member can say what he likes on this topic. Such has been my involvement with the Aboriginal community that I am pleased with my track record. An attack against me by someone who is associated with One Nation is not an attack with which I can do anything except wear it as a badge of honour.

Hon John Fischer: You well might. However, that does not change the fact that your actions are totally and utterly hypocritical.

Hon TOM STEPHENS: Hon John Fischer does not understand the requirements of the law. The Government will negotiate with any native title groups that choose to operate and negotiate in good faith. If people choose to fracture the good-faith negotiations, they step away from the negotiations and leave the Government with no alternative other than

to bring the issue to resolution via the arbitration process that is set out by the National Native Title Tribunal. That path was not sought by the State Government; rather, it was a consequence of the actions of those who chose to go down the path that they did. It is like the sun coming up in the morning: if the native title players travel down the path that leads them away from good-faith negotiations with the Government, there will be a consequence, and that consequence is that the dispute will go before the National Native Title Tribunal for arbitration.

There are issues to be resolved, such as the future of the Aboriginal heritage on the site and public access issues. However, there are also opportunities for a community such as the Shire of Roebourne and its wider business community. I am intrigued that so many players from the business community in Karratha recently expressed the view - a view that has not been expressed during the past 10 years of the development of the Burrup - that the projects should be moved away from the Burrup to the Maitland estate. As the President of the Shire of Port Headland pointed out to the State Government, if any of the six projects that are currently being considered are not wanted by the Shire of Roebourne - despite all the planning that has taken place - the Boodarie estate could be attractive to the proponents in another council area and township. The opposition forces in Karratha are mustering around a combination of dissident Aboriginal groups and prohibitionists from the extreme elements of the conservation movement. Now a strange group of business leaders have emerged from their slumber to argue against further development on the Burrup and for the development to be positioned on the Maitland estate. It will be interesting to see whether the economies of scale will make any sense at Boodarie and whether those involved take up the invitation from the Shire of Port Headland. The State Government's response has been clear. It is determined and committed to ensuring that the orderly planning that has been in place over the past decade will continue and that the development opportunity for the six identified sites and projects will be allowed to come to fruition. As each site is taken up, the opportunity will exist for the orderly development of Maitland. If anything were to go wrong as a consequence of the decisions of councils, the Environmental Protection Authority or interest groups that do not want such developments, the Shire of Port Headland has offered its land for consideration. I do not think that offer will be taken up, because good sense will prevail and there will be no need to rob from the Shire of Roebourne the economic development opportunities that are on offer through the economy of scale that flows from the combination of various enterprise opportunities that are associated with the North West Shelf, of which the 25-year contract - which is worth \$25 million - is the centrepiece.

A part of the motion emerges from the State Government's response to the way successive federal Governments have responded to the grants funding processes for the States and Territories. The State Government has been greatly concerned about the distribution of funds around the Commonwealth. It has collaborated with its counterparts in New South Wales and Victoria to commission the Garnaut-FitzGerald report, which has provided all the documentary support to illustrate the disadvantage that Western Australia is faced with as a result of the methodology that is applied in the federal funding process. The report was released recently; only 10 days ago. It is dense with detail and full of solid economic analysis. It provides inescapable and conclusive evidence that shows that every Western Australian is contributing \$1 700 more to the Federation through taxes than is received through grants, payments or commonwealth spending in this State. This is a shift in the way the federal Government responds to the needs of Western Australia; it is a way that was inconceivable at the time of Federation. It was unimaginable that Western Australians would contribute so much more per head of population to the Federation through taxes than they received. Quite frankly, it is intolerable. As is demonstrated in the report, Western Australia contributes much of the nation's economic wealth but its share of commonwealth grants is \$350 million less than it was nine years ago. These anomalies arise partly because the Commonwealth Grants Commission carves up the funding pie in a way that does not recognise the cost burden on Western Australian taxpayers of providing infrastructure for major development projects. That must be sent home time and again to the federal Government. There is a cost associated with providing an economic benefit that flows to the nation through projects like the North West Shelf joint venture. That cost cannot simply be ignored by the federal Government as it redistributes the benefits to other jurisdictions. It has been the decision of other jurisdictions that has limited their capacity to contribute to the wellbeing of the nation. In those circumstances, it is odd and wrong that a State should make all the personal and financial effort - by former and current Governments - to develop economic opportunities only to find the benefits redistributed through the fiscal equalisation strategy of the Grants Commission. It is wrong when benefits are redistributed to jurisdictions of which the leadership has not committed itself to economic growth in the same way. It is an odd penalty for this State. It is counterproductive for the nation if it is allowed to continue. Western Australia may all too easily find itself with the "crescendo" associated with not having developments of any sort. In my own portfolio I am conscious of the need to ensure that development opportunities can bring benefits to all Western Australians. Only through economic development do we get the chance to escape from circumstances that create poverty traps for sections of the community that do not deserve to be in those traps. I am as committed as the next person in this Government to ensuring that we have a growing economy that is of benefit to all Western Australians. I am very proud of the efforts made by this Government in the Shire of Roebourne. There is a lot of focus on the success of the projects involved with the North West Shelf joint venture. However, we must focus on the needs of the entire community in that region and respond to those needs. The neighbouring township of Roebourne must be recognised as a community that has been left by and large untouched in many ways by the economic prosperity that surrounds it. The township remains untouched by any positive benefit. It has certainly experienced a lot of negative impacts from neighbouring economic development. It is time that the Aboriginal community and the wider community benefited from the economic growth on offer. Western Australia must have the opportunity to be served by

economic growth and to develop an enhancement scheme for Roebourne that will improve the amenity of the area and the quality of housing. It is fundamental that it is in tandem with the efforts of government to secure economic growth in the Burrup. To allow local communities to benefit from economic development is no small impost on State Governments; it is a significant impost. The impost is not something that the Commonwealth Government should scoff at. High costs are associated with a growing population in Karratha. There is a need to increase hospital services and provide additional support for education, police and housing. This is especially true for people who need affordable housing through Homeswest. These are not small costs. The cost of providing housing for government employees is very high and is borne by the State Government. As a result, the taxpayers of Western Australia wear that cost. The benefits that flow from the North West Shelf project and other projects are redistributed to the extent that 90 per cent of royalties are taken from the people of Western Australia by the fiscal equalisation strategy. It is galling. I am pleased to see bipartisan support for this motion. It will tell the federal Government that it is time to tackle these issues. These issues have been raised in the past. I am not one to quote the former Premier Sir Charles Court, but I note that he made a submission to the Commonwealth Grants Commission in which he described how this State was punished for its success. He said -

Because of what we did to help ourselves in the 1960s there is a general feeling in Canberra and the Eastern States that we can go on doing this sort of thing and thereby create a bigger cow to be milked by the rest of Australia.

This is far from the truth and if a more realistic approach to the Western Third is not taken it could be to the serious detriment of the nation.

Those words are spot on. The redistribution of proceeds that flow from economic growth in this State are too easily squandered in other jurisdictions in which not enough has been done to face challenges. In my own portfolio of housing, we are struggling with the legacy that flows from diminished returns to the State from the Commonwealth Government's special purpose grant. As we head towards the completion of the Commonwealth-State Housing Agreement process in October, we run a significant risk that, yet again, there will be a substantial cut back in the flow of funds to Western Australia. It will see the State placed at an enormous disadvantage. In Karratha, I am deliberately positioning additional affordable housing in the area adjacent to the North West Shelf joint venture project. It represents a significant construction project by the Department of Housing and Works. The local architect, Mr David Hay, is amazed at the quantity of work flowing his way. He is getting a substantial amount of work - more than he has seen in his entire life, I suspect.

Hon Norman Moore: It is not the normal way your Government behaves, and I congratulate you on it.

Hon TOM STEPHENS: I understand that he is a great operative in the Liberal Party.

Hon Norman Moore: He is just a very good architect, Mr Stephens, and I am pleased you have recognised it.

Hon TOM STEPHENS: He is a great beneficiary of the focus of effort that I am putting into that community to try to position a significant stock of public housing that will ensure that people who want to take up work in that community have homes from which they can base themselves to apply for the jobs associated with the economic growth.

Debate interrupted, pursuant to standing orders.

[Continued on page 714.]

QUESTIONS WITHOUT NOTICE

MARINE PARKS AND RESERVES AUTHORITY, DR BARRY WILSON, CONFLICT OF INTEREST

112. Hon NORMAN MOORE to the minister representing the Minister for the Environment and Heritage:

I refer the minister to the answer provided to question without notice 79 of Thursday, 22 August 2002.

- (1) From whom has the minister sought advice on the question of conflict of interest?
- (2) Will the minister give an assurance that no decision will be made on the Mauds Landing development proposal until advice has been received on the conflict of interest issue; and, if not, why not?

Hon TOM STEPHENS replied:

The Minister for the Environment and Heritage has provided the following response -

- (1) I have asked the Acting Executive Director of the Department of Conservation and Land Management to review the matter in consultation with the Office of the Commissioner for Public Sector Standards.
- (2) Yes.

MINISTER FOR HOUSING AND WORKS, REPRIMAND BY THE PREMIER

113. Hon NORMAN MOORE to the Minister for Housing and Works:

I refer to the minister's humiliating reprimand by the Premier as a result of his improper use of ministerial resources. Will the minister explain to the House the nature of the reprimand he received from the Premier?

The PRESIDENT: This is an interesting question in view of the standing orders. However, the minister may wish to offer a response.

Hon TOM STEPHENS replied:

On a day when the world teeters on the brink of war with Iraq, when the world faces the problems of international terrorism, when Western Australia is faced with the difficulties that will flow from the potential loss of trade with the Islamic community, the people of Islam and the nations of which they are part, and when we are able to look at the challenges that flow from the Earth Summit -

Point of Order

Hon NORMAN MOORE: I share the minister's concerns for those issues, but they have nothing to do with the question. The question was, will the minister explain to us the nature of the reprimand he received from the Premier. That is all I asked.

The PRESIDENT: Indeed, I feel sure the minister was bringing his preamble to a conclusion and was about to address the question.

Questions without Notice Resumed

Hon TOM STEPHENS: You are absolutely right, Mr President. I was addressing the question by providing an answer that informs the Leader of the Opposition that I am amazed that he would choose, out of all the important things about which he could be asking, to ask a question about what is essentially a piece of trivia. The interesting thing is that the complaint is that I should not have been involved in this issue because it has nothing to do with my ministerial responsibilities; therefore, I should not have used my letterhead. That is the reason I have been reprimanded.

Hon Kim Chance: I thought you were the Minister for the Pilbara.

Hon TOM STEPHENS: Yes, but I have accepted the reprimand and accept the fact. If it is the case, which I accept that it is and have been correctly reprimanded, that I -

Hon Peter Foss: Was the Premier wrong to reprimand you?

Hon TOM STEPHENS: No, the member should listen. He really is silly.

The PRESIDENT: Order, members! I think the minister had managed to get to an answer, and the interjections are getting back to the preamble.

Hon TOM STEPHENS: The Premier is always right - Premiers always are. This has absolutely nothing to do with my ministerial responsibilities. Therefore, it is not appropriate that the Leader of the Opposition should ask me any more questions about it.

FOREST PRODUCTS COMMISSION REQUEST FOR TENDER NO 2655

114. Hon ROBIN CHAPPLE to the Minister for Agriculture, Forestry and Fisheries:

My question was formerly directed to the minister representing the Minister for the Environment and Heritage, but it has been changed and is now directed to the Minister for Agriculture, Forestry and Fisheries. I refer to the Forest Products Commission request for tender No 2655 - sale of firewood and fencing logs in the arid zone.

- (1) How many licences for firewood collection were issued subsequent to this tender, and how many were extant before this tender process was undertaken?
- (2) For what reason has the number of licences been reduced?
- (3) Has the total volume of wood available for collection been reduced as a result of this tender; and, if so, by how much?
- (4) If yes to (3), is wood now being brought into the goldfields from elsewhere to make up the shortfall?
- (5) How do royalties collected from licensed operators since the start of this financial year compare with similar periods in previous years?
- (6) Who is responsible for enforcing licence conditions and restricting unlicensed wood collection, and is enforcement being carried out?

Hon KIM CHANCE replied:

I am delighted to be able to provide an answer to this question because I have heard some quite amazing statements about this matter.

- (1)-(2) As at 31 March 2001, there were seven firewood contracts, each of 500 tonnes a year. Between 1998 and 2002, the total quantity of firewood actually sold under these contracts varied between 300 and 670 tonnes a year. I just made a quick calculation of the average of that, and it is 485 tonnes, which is an interesting figure that we need to bear in mind as we work our way through the answer. This compares with an allowable total

cut of 3 500 tonnes; that is, the seven contracts of 500 tonnes. Following consultation with contract holders, the number of contracts was reduced to four. This was to provide the ability for more cost-effective management of a limited resource. Obviously, managing seven different contracts of such a small volume was expensive. The annual quantities that were offered are regarded as relatively low to have the capacity to support a viable business. "Relatively low" were the words chosen by my agency. I would have chosen much stronger words than that, because if one divides 485 tonnes by seven, one gets a little less than 70 tonnes each. In other words, under the contracts as they existed, seven people were selling an average of one decent truckload of timber a year. One road train of timber a year was all they were selling.

- (3) The written answer to question (3) says no, and I think that is incorrect. I believe the answer should be yes, which is just a slight adjustment, because I think it has been reduced.

Hon Peter Foss: Only an adjustment of 180 degrees!

Hon KIM CHANCE: For the record, my answer is yes, unless I misunderstand the question, because the written answer goes on to say that the four contracts will permit up to 1 200 tonnes per annum of firewood and 50 tonnes of fencing logs to be extracted from the goldfields. To me, that looks like a reduction from 3 500 to 1 200 tonnes. In fact, I will change the written answer now to yes. The four contracts will permit up to 1 200 tonnes per annum of firewood to be extracted, whereas formerly the figure was 3 500 tonnes per annum.

- (4) Jarrah firewood is also sold in the goldfields. This is not due to any shortfall in the availability of goldfields firewood as the quantity permitted under the new contract is still above the quantities of goldfields firewood that have been harvested over the previous three years. I bring the member back to my average figure of 485 tonnes, or the maximum of 670 tonnes, and we have contracts that permit 1 200 tonnes. Therefore, more than enough is available for goldfields use. It is beyond the power of the Forest Products Commission to restrict the sale of firewood to any particular town or region.
- (5) I would be happy to provide that information to the member as soon as possible.
- (6) The Forest Products Commission is responsible for enforcing contracts let under the Forest Products Act, and the Department of Conservation and Land Management is responsible for enforcing commercial-purpose licences under the Wildlife Conservation Act. In other words, the proponent must receive a right to collect from CALM, and then the FPC allocates according to that licence.

An average of 485 tonnes was being collected by the seven licensees. The Forest Products Commission said that it was impossible to manage because there were far too many. Nobody can make a living from less than 70 tonnes a year. For ease of management and in consultation with the industry, we brought that back to four operators, which I think is still far too many. Those four are entitled to collect 1 200 tonnes. A maximum of only 670 tonnes is used in Kalgoorlie in any one year.

BUSSELL HIGHWAY, UPGRADE

115. Hon BARRY HOUSE to the parliamentary secretary representing the Minister for Planning and Infrastructure:

- (1) Will the minister advise what it will cost Main Roads Western Australia to promote with displays and promotional material the Bussell Highway upgrade between Vasse and Margaret River?
- (2) How many copies of the four-page colour brochure entitled "Bussell Highway Upgrade Vasse to Margaret River" have been printed, and at what cost?
- (3) Can the minister provide a total cost for the Bussell Highway upgrade between Vasse and Margaret River and confirm definite dates for when work will start and be completed?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question. I provide the following response on behalf of the parliamentary secretary representing the Minister for Planning and Infrastructure.

- (1)-(2) The material referred to by the member is not promotional material. It forms part of an investigation and planning process conducted by the Department of Main Roads into ways to improve the safety and efficiency, for the benefit of all road users, of the section of Bussell Highway between Vasse and Margaret River. The material and displays were an important component in keeping the local community and landowners informed and in facilitating local input to assist in identifying areas of concern on the highway. The total cost of the community consultation was \$10 000, of which \$1 000 was for the production of 1 000 brochures. As part of the investigation, Main Roads has recently provided the Minister for Planning and Infrastructure with a causality study, which identifies the cause of reported crashes on this section of highway and makes various recommendations for improvements.

The minister is considering this report, and an announcement on high priority works is expected within the next few weeks.

- (3) At this stage of the design process, the estimated total cost of the upgrade strategy is \$17 million and includes widening, the provision of overtaking lanes and the reconstruction of various sections. The preliminary design is expected to be completed by June 2003 and will provide a guide for the future allocation of priorities as part of future budgetary considerations. In the meantime, safety improvements for the current financial year are being investigated, such as the installation of audible edge lines to the value of \$200 000 under the black spot program.

MILLS, BUSINESS EXIT ASSISTANCE

116. Hon PETER FOSS to the parliamentary secretary representing the Minister for State Development:

Further to question without notice 1047 -

- (1) How many mills have sought business exit assistance since the implementation of the Government's old-growth forest policy?
- (2) With respect to each mill -
- (a) what is its name;
 - (b) what volumes of each grade of karri, marri and jarrah did the mill -
 - (i) take; and
 - (ii) have contracted annually;
 - (c) what amount was -
 - (i) sought; and
 - (ii) paid by way of business exit assistance;
 - (d) what amount has been denied;
 - (e) how many remain outstanding; and
 - (f) when will the outstanding claims be dealt with?
- (3) Is any amount being withheld for site payment?

The PRESIDENT: If the parliamentary secretary wishes to table that answer, it will be in order.

Hon LJILJANNA RAVLICH replied:

I was looking forward to responding to this question. There are only six pages. What is the problem? However, I will take your advice, Mr President.

[See paper No 185.]

Hon LJILJANNA RAVLICH: I thank the member for some notice of this question. On behalf of the parliamentary secretary representing the Minister for State Development, I have been advised as follows -

- (1) Fifty-two saw mills have sought business exit assistance since the implementation of the Government's old-growth forest policy. Twenty sawmills have accepted business exit assistance.
- (2) Information can be released only on those mills that have accepted business exit assistance.

I will table the remainder of the reply on account of the fact that it is six pages long.

Hon PETER FOSS: Can it be incorporated in *Hansard*? I am sure many people in Western Australia would like to know the answer to that question.

Leave granted for the following answer to be incorporated.

I am advised:

1. 52 sawmills have sought business exit since the implementation of the Government's Old Growth Forest Policy. 20 Sawmills have accepted Business Exit.
2. Information can only be released on those mills that have accepted Business Exit Assistance.
 - a) B & PM Taylor Sawmillers
 - b) (i) Unable to obtain information on 'take' within given timeframe.
(ii) Contracted timber amount:
Jarrah 403m³
Karri m³
Marri m³

- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$104 965
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Donnelly Timber Company Pty Ltd
 - (i) Unable to obtain information on 'take' within given timeframe.
 - (ii) Contracted timber amount:
 - Jarrah 10 800m³
 - Karri m³
 - Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$545 369
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Heddington Pty Ltd
 - b) (i) unavailable
 - (ii) Contracted timber amount:
 - Jarrah 2640m³
 - Karri m³
 - Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$355 400
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed
- f) All currently being dealt with
- a) K.D. Power Sawmilling Company
 - b) (i) Unavailable
 - (ii) Contracted timber amount:
 - Jarrah 14347m³
 - Karri m³
 - Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$2 180 355
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) KP Wren Pty Ltd
 - b) (i) Unavailable
 - (ii) Contracted timber amount:
 - Jarrah 920m³
 - Karri 6500m³
 - Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$1 820 902
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.

- f) All currently being dealt with.
- a) Rocky Gully Sawmill Pty Ltd
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 3500m³
Karri m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$269 907
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) South West Sawmill Company Pty Ltd
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 6000m³
Karri m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$580 708
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) South West Timber Supplies Pty Ltd
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 1140m³
Karri 3860m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$226 508
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with
- a) AM Higgins
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 100m³
Karri m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$73 721
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Bedford Bros
- b) (i) Unavailable
(ii) Contracted timber amount:

- Jarrah 360m³
 Karri m³
 Marri m³
- c) (i) N/A
 (ii) Actual paid to 14 August 2002 : \$364 047
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed
- f) All currently being dealt with
- a) Denbarker Sawmill
- b) (i) Unavailable
 (ii) Contracted timber amount:
 Jarrah 2000m³
 Karri m³
 Marri m³
- c) (i) N/A
 (ii) Actual paid to 14 August 2002 : \$122 513
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) G.T. Timbers
- b) (i) Unavailable
 (ii) Contracted timber amount:
 Jarrah m³
 Karri m³
 Marri m³
- c) (i) N/A
 (ii) Actual paid to 14 August 2002 : \$150 650
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Gandy Timbers Pty Ltd
- b) (i) Unavailable
 (ii) Contracted timber amount:
 Jarrah 2000m³
 Karri 17000m³
 Marri 15000m³
- c) (i) N/A
 (ii) Actual paid to 14 August 2002 : \$1 803 311
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) HR Milling
- b) (i) Unavailable
 (ii) Contracted timber amount:
 Jarrah 100m³
 Karri m³
 Marri m³
- c) (i) N/A
 (ii) Actual paid to 14 August 2002 : \$458 519

- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- g) All currently being dealt with.
- a) Mangepee Milling (WA) Pty Ltd
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 4600m³
Karri 500m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$397 381
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Midway Sawmill
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah m³
Karri 8706m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$1 978 997
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) NG & LB Thomson
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah m³
Karri 2000m³
Marri 500m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$942 912
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) Pickering Brook Pty Ltd
- b) (i) Unavailable
(ii) Contracted timber amount:
Jarrah 4632m³
Karri 500m³
Marri m³
- c) (i) N/A
(ii) Actual paid to 14 August 2002 : \$514 748
- d) None
- e) Thirty-two sawmills are in the process of being assessed
- f) All currently being dealt with
- a) Timber Traders Cockburn

- b) (i) Unavailable
- (ii) Contracted timber amount:
Jarrah 2800m³
Karri 1000m³
Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$2 573 999
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.
- a) TM & PJ Tilbrook
- b) (i) Unavailable
- (ii) Contracted timber amount:
Jarrah 2000m³
Karri m³
Marri m³
- c) (i) N/A
- (ii) Actual paid to 14 August 2002 : \$308 335
- d) N/A
- e) Thirty-two sawmills are in the process of being assessed.
- f) All currently being dealt with.

3. No.

PINETEC PTY LTD

117. Hon BILL STRETCH to the Minister for Agriculture, Forestry and Fisheries:

- (1) When is the Government expected to honour Premier Gallop's July commitment to expedite Pinetec Pty Ltd's pallet-making project for Collie?
- (2) Will the Government contribute financially to the company's relocation costs in view of the Government's cancellation of the company's access to pine logs from the Gngangara pine plantation resource?
- (3) Will the minister give a written undertaking that a suitable timber resource will be available to Pinetec as it has done for other milling and production projects?

Hon KIM CHANCE replied:

- (1)-(2) Some of that question is based on a false assertion. Without some notice of the question I will find it difficult to answer. I recommend that the member give some notice of the question and I will attempt to answer it as soon as possible.

Hon Norman Moore: What is the false assertion?

The PRESIDENT: Order! The minister is asking that it be put on notice.

Hon KIM CHANCE: However, I think the Leader of the Opposition has a similar question, to which I have an answer, which may cover some of the issues raised. I will be happy to deal with that tomorrow if the member would like.

KIMBERLEY PASTORAL LEASES, SHEEP

118. Hon JOHN FISCHER to the Minister for Agriculture, Forestry and Fisheries:

- (1) Is there any prohibition on running sheep on pastoral leases in the Kimberley?
- (2) If so, when did this come into force and why?

Hon KIM CHANCE replied:

I thank the member for some notice of this extremely interesting question.

- (1) No. However, the Kimberley region is a blue-tongue endemic region. This issue has been discussed with industry and industry supports the department's position of actively discouraging the running of sheep in the Kimberley.
- (2) Not applicable.

It is a far more complex question than could be dealt with reliably in that answer. I have spoken to the Director General of the Department of Agriculture as recently as this morning concerning the member's question. He has agreed to offer Hon John Fischer or any other member a briefing on the matter. It is a topical question, which relates particularly to the potential for Damara sheep in that region. It would be profitable for all of us if that were discussed with the Department of Agriculture.

KWINANA CUMULATIVE RISK STUDY

119. Hon DEE MARGETTS to the parliamentary secretary representing the Minister for State Development:

I ask on behalf of Hon Jim Scott, who is attending a funeral today -

- (1) Will the minister table the Kwinana cumulative risk study conducted by AEA Technology completed in 1995 and updated in 1998 for the Department of Resources Development?
- (2) Will the minister table all more recent cumulative risk studies for the Kwinana area?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question. I provide a response on behalf of the parliamentary secretary representing the Minister for State Development.

- (1) No. Previous ministers have declined to release these reports. The Minister for State Development wishes to read them before deciding whether to table them.
- (2) On reading any further cumulative risk studies for the Kwinana area, the minister will consider whether to table them.

SKELETON WEED COMMITTEE

120. Hon MURRAY CRIDDLE to the Minister for Agriculture, Forestry and Fisheries:

I refer to yesterday's ministerial statement in which the minister suggested that a skeleton weed committee be formed, mostly of grain growers, to provide strong industry input into planning the revised program and reviewing the operations.

- (1) Will the committee control the funds raised in the skeleton weed eradication trust fund?
- (2) What control methods does the minister envisage in -
 - (a) badly infested areas;
 - (b) lightly infested areas; and
 - (c) skeleton weed-free areas?

Hon KIM CHANCE replied:

I thank Hon Murray Criddle for giving me brief notice of this question; however, that notice was helpful.

- (1) Until legislation is changed, the concept of a grower-controlled body having actual rather than de facto financial control over the distribution of funds raises a number of complex legal issues. As I indicated in my statement yesterday, grain growers will form the majority of the new skeleton weed committee, which will provide strong input into planning the new process. This in itself will provide farmers with greater ownership of operational matters.
- (2) Operational control methods will be a matter for the skeleton weed committee, the Agriculture Protection Board and the local control committees. However, as the question seeks only my vision of the three scenarios, I expect the following actions -
 - (a) In heavily infested areas I expect there to be control and suppression of skeleton weed in the cropping phase, close attention to new satellite outbreaks and the eradication of new infestations. Control and eradication will be consistent with the weed's continuing status as a declared plant. It is in this classification that I would expect the development of new chemicals or chemical mixes to be most beneficial. However, what is important in the heavily infested areas is that we - to use a phrase - try to put a fence around those infestations and control their further spread.
 - (b) Eradication will continue to be the main focus of the program in lightly infested areas. I anticipate that the ongoing development of automatic detection technology may be of the highest value in these areas. This is simply a vision statement and not necessarily the decision that will be arrived at.
 - (c) I hope that in skeleton weed-free areas the refocus program will encourage a much higher level of farmer surveillance of their properties. There is no doubt that cost-effective and total eradication

technology can be implemented if new infestations are reported early and dealt with thoroughly. It is in this area in particular that the Government probably has the most work to do. Areas which are deemed to be free from infestation need to be the ones in which farmers have the highest priority to protect what is, after all, their own asset. The Government will be ready to provide total elimination measures whenever skeleton weed finds are reported in areas that were previously thought to be skeleton weed free.

ABORIGINAL VISITORS SCHEME, BUDGET CUTS

121. Hon GIZ WATSON to the minister representing the Minister for Justice and Legal Affairs:

I refer to the recent budget cuts to the Aboriginal visitors scheme.

- (1) Why have these cuts been implemented?
- (2) What steps have been taken to ensure that Aboriginal prisoners are not now at greater risk of suicide?
- (3) What measures is the Government taking to ensure that experienced staff are retained by the department so that they can continue their work with at-risk Aboriginal prisoners?
- (4) Is the Government still able to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody for the Aboriginal visitors scheme now that funding for that program has been so drastically cut?
- (5) If yes to (4), how?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Justice and Legal Affairs has provided the following answers.

- (1) There have been no budget cuts to the Aboriginal visitors scheme. The budget allocation for 2002-03 is \$1.17 million, which represents a 15 per cent increase on the allocated budget of \$1.01 million for 2001-02. The Aboriginal visitors scheme exceeded its budget allocation in 2001-02 by \$453 000. An internal audit was instigated on 5 August 2002, and is in its final stages.
- (2) There has been no change to the level of service provided. However, a review of processes is currently under way to ensure that this service is provided in the most efficient and cost-effective manner.
- (3) The review currently being undertaken is expected to identify a range of areas in which improvements can be made to the cost effectiveness of the service. The review will primarily focus on service delivery and resource allocation. However, the role and function of visitors will also be examined. No changes will be made to the scheme until the review has been completed and the recommendations considered.
- (4) See the answer to (1) above.
- (5) The Department of Justice considers that the 2002-03 budget allocation is sufficient to maintain a satisfactory level of service for the sites at which it is currently provided. However, this will be further considered following completion of the review.

RENEWABLE ENERGY PROJECTS

122. Hon GEORGE CASH to the minister representing the Minister for Energy:

I refer to my comments in the adjournment debate last night.

- (1) Why has Western Power not implemented the commitments given to the House in the Minister for Energy's letter dated 21 May 2002?
- (2) If Western Power has provided arguments against implementing the minister's commitments, will the minister table those arguments?
- (3) What will the Government do to ensure that the minister's commitments are implemented without delay?

Hon TOM STEPHENS replied:

The Minister for Energy has provided the following response.

- (1) The arrangements referred to by the Minister for Energy in his letter of 22 May to Hon Robin Chapple have or are being addressed. Please see the attached table for the answer to this question.
- (2) As can be seen from the attached table, all but one of the arrangements referred to by the minister have been or are in the process of being implemented. The remaining issue is for Western Power to provide more competitively priced power to allow renewable energy suppliers to part supply the energy needs of its customers. As there is the potential for this to have a significant negative financial impact on Western Power, negotiations are continuing.

- (3) See the answer to (2) above. The negotiations with Western Power are being given high priority.
I table the table.

[See paper No 186.]

SHIRE OF KOJONUP, VALUATION OF LAND

123. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Planning and Infrastructure:

- (1) Is the general valuation of land in the Shire of Kojonup, effective from 1 July 2002, based on rental evidence from an evaluation date of 1 August 1999?
- (2) When will new gross rental values for Kojonup be determined, or if they have been determined already, from what date will they apply?
- (3) Will gross rental values assessed in the Shire of Kojonup reflect a depressed rental market and, accordingly, be much lower than the previous assessment?
- (4) Does the Government recognise that many current gross rental values in the Shire of Kojonup substantially exceed actual rental income?
- (5) Why does the Government persist in applying gross rental values of thousands of dollars upon properties which have stood empty for years and for which owners have been unable to attract tenants or buyers?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question and provide the response on behalf of the parliamentary secretary to the Minister for Planning and Infrastructure.

- (1) Yes.
- (2) Kojonup is part of the 2003-04 gross rental valuation program that is due for adoption on 1 July 2004.
- (3) When assessed, gross rental values will reflect the rental market prevailing as at 1 August 2003, being the date of valuation.
- (4) The Valuer General advises that although he is aware that several shops are vacant, he considers that this has been allowed for within the gross rental values and that prevailing rents support the general level of values.
- (5) Determining gross level values requires an assumption that a property is vacant and to let at the time of revaluation. As part of the process, all factors affecting the values, including vacancies, will be considered. Owners disagreeing with their valuations may object. If they are dissatisfied with the Valuer General's decision, they can appeal to the Land Valuation Tribunal.

GNANGARA PINE PLANTATION, LOGGING

124. Hon NORMAN MOORE to the Minister for Agriculture, Forestry and Fisheries:

I refer the minister to an article in the *Collie Mail* of 29 August 2002, a copy of which has been provided.

- (1) Will the minister confirm that Pinetec Pty Ltd had been told that there would be no pine timber available from the Gnangara plantation because no logging of that plantation would be allowed?
- (2) Who is responsible for giving the company that false information since the Wesbeam agreement will allow the Gnangara plantation to be cleared over the next 25 years?

Hon KIM CHANCE replied:

- (1) This is the question I referred to in relation to Hon Bill Stretch's most recent question. I was not aware of the article referred to in the *Collie Mail*, and I thank the Leader of the Opposition for providing a copy to me. It is one of the most bizarre pieces of information that I have ever read. The Minister for Racing and Gaming and Government Enterprises obviously has an interest in the matter because it refers to water resources, so I showed the article to him too, and he is still recovering from the shock.

One of the statements made in the article is that Mr Yates said -

... logging of the plantation had been curtailed because of its location - over one of Perth's most important water mounds.

Members who have been following the debate about the removal of the pines on the Gnangara mound know that the whole debate has been that the Forest Products Commission is required to get the pines off the mound at a faster rate rather than at a slower rate. I am pleased to advise the House that the Gallop Government is not operating a new old-growth plantation pine policy; it is trying to get rid of the pines. Members are aware that very shortly we will deal with a very important piece of legislation concerning the Wood Processing (Wesbeam Agreement) Bill, which will assist that

process. As members may have deduced from my opening comments, the answer to question number (1) is that no such message has been given to the company.

Hon Norman Moore: Perhaps you might make some effort to give them the right message.

Hon KIM CHANCE: I have communicated with this company directly.

Hon Peter Foss: Now we know what the problem is.

Hon KIM CHANCE: I know that it has also been in close consultation with the FPC over the matter.

- (2) Not applicable. However, by way of explanation - because this is a genuine matter, but the wrong issue has been identified - Pinetec already has existing contracts from Gnangara and other plantations in the south west. The company is also negotiating access to additional timber from south west plantations as a result of a request for proposals made in 2001. The company has proposed to move its centre of saw milling operations closer to the south west plantations where the future resource is.

Resource plans for plantations in the Gnangara, Pinjarra and Yanchep areas includes the supply of laminated veneer lumber logs to Wesbeam, and small saw logs to Pinetec. Successive Governments have informed the company that the supply of small saw logs will decline as the Gnangara mound plantations are not replanted and the land use is returned to one consistent with the water production objectives. There is a declining resource from Gnangara for Pinetec, but it is not a result of a refusal to cut; it is a result of the ongoing cutting.

NORTH WEST SHELF JOINT VENTURE, LNG CONTRACT WITH CHINA

Motion

Resumed from an earlier stage of the sitting.

HON TOM STEPHENS (Mining and Pastoral - Minister for Housing and Works) [5.35 pm]: The review of the commonwealth-state funding final report that was conducted into commonwealth grants to the States and Territories is a very useful document for us all. It is particularly useful for Western Australians, but it is also useful for other disadvantaged States that have to face the fiscal equalisation strategies that are currently in effect between the commonwealth and state funding arrangements. Just as importantly, it is of value and benefit to all Australians.

The review provides the basic reasons for why the current system must change. It details the inefficiencies of the current system and it highlights the results of the research that has been conducted to measure the economic cost of the current inefficient redistribution of the commonwealth-state funding arrangements. It reports that the current system costs between \$150 million and \$280 million each year. Research demonstrates that there are significant additional costs, including the administration of the Commonwealth Grants Commission and the specific purpose payments and the political economy that affects economic development opportunities for all Australians. It describes how the commonwealth-state transfers affect the distribution of population growth, economic activity and development across Australia, and it demonstrates that although these costs are difficult to estimate, they are significant indeed.

The State Government commends the report to the Parliament of Western Australia. More importantly, it commends it to the attention of the federal Government and to our counterparts in the other States. We believe that the current system, which is demonstrably unfair, must be changed. We advocate a much less complex system. We want a simpler system that is more accountable.

Hon George Cash: Will you table the report later on?

Hon TOM STEPHENS: I am happy to. The report provides recommendations for reform.

Hon Peter Foss: Is this the Garnaut report?

Hon TOM STEPHENS: It is. It flows from the Government's preoccupation with trying to get the themes of commonwealth-state financial arrangements regularised so that it does not compound the disadvantages faced by Western Australians and contribute to the disadvantage of the nation as a result. We believe that the model now on offer will directly address equitable access to core public services, specifically health and education, for all Australians. It is aimed at establishing a cooperative basis for planning, funding and delivering these important services. It is aimed at reducing conflict between the States and the Commonwealth, but especially between the States. It is aimed at strengthening incentives for State Governments to pursue policies that promote economic development. That is why we highlight this report during this motion.

It is conceivable that when faced with all of the disadvantages that flow from economic development when the Commonwealth penalises the States through the commonwealth grants process, the States will not put as much effort into the process in the future. If they do not put the effort into it, the whole nation will be diminished. As a nation, if something is not done about reorganising and reordering the commonwealth-state funding arrangements, we will lose the benefits that flow from promoting economic development. There is a risk that to do otherwise will ensure that the nation does not reach the higher levels of economic output of which it is capable. The new model will give us the opportunity of improving our international competitiveness as a nation, and of taking those competitive advantages into

each of the state and territory jurisdictions, thus ensuring that the competitive edge will act to the advantage of the whole country. If we can produce a fairer, simpler and more efficient model, it will ensure at the same time that current funding levels are maintained and economic growth increased.

Debate interrupted, pursuant to standing orders.

WESTERN AUSTRALIAN MEAT MARKETING CO-OPERATIVE LIMITED (SHARES) BILL 2002

Introduction and First Reading

Bill introduced, on motion by Hon Kim Chance (Minister for Agriculture, Forestry and Fisheries), and read a first time.

Second Reading

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [5.42 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to complete the transfer to the ownership of lamb producers of the business of the former Western Australian Meat Marketing Corporation, a process begun by the former Government in 1999. The Western Australian Meat Marketing Corporation was a government-owned statutory marketing authority established under the Marketing of Meat Act 1971. When the former Government decided to divest itself of involvement in the lamb industry, it introduced amendments to the Act which would transfer the business of the corporation to a producers' cooperative known as WAMMCO - the Western Australian Meat Marketing Cooperative Ltd. The 1999 amendments provided for the business of the corporation to be sold to the cooperative. The consideration for the sale was to be the issue of fully paid shares in the cooperative with a total par value equal to the net value of the business of the corporation. These shares were to be issued to the trustees of a trust set up for the benefit of lamb producers and were to be distributed to those producers in accordance with the trust deed. The 1999 amendments also affected the deregulation of the lamb meat industry, except that the compulsory acquisition-single desk provisions remained, for WAMMCO's benefit, until 31 December 1999. On that date the Act terminated.

The issue and distribution of the shares had not taken place in accordance with the Act before it terminated, and has not taken place yet. If it had taken place in accordance with the Act as it was, the trustees would have been burdened with a tax liability which it was never intended they should bear and which they would have had no way of meeting. There would also have been negative taxation consequences for producers. These tax consequences will not occur if the shares are issued first to the minister, on behalf of the State Government, and then transferred to the trustees for distribution in accordance with the trust deed. This Bill provides for this to happen.

A new Act is necessary because the former Act, having now terminated, cannot be amended. The Act will be short and to the point. It will provide for WAMMCO's obligation to issue shares under the former Act to be met by the issue of shares to the minister on behalf of the State; and for the minister to transfer those shares to the trustees as soon as practicable. It will also exempt from stamp duty the transfer of shares under the Act, as did the 1999 legislation, and the transfer by the trustees to lamb producers in accordance with the trust deed. I am advised that the total stamp duty forgone would be in the order of \$28 000 to \$29 000. Lastly, the Bill provides that any right of action there may have been against WAMMCO for a failure to comply with the former Act is extinguished. The trust that is referred to is a discretionary trust set up purely for the purpose of distributing the shares in WAMMCO to the State's lamb producers. The distribution is to take place in accordance with an equalisation formula based on a producer's level of patronage with WAMMCO.

I hope that the passage of this Bill can proceed without delay, because producers have been waiting for their entitlement for three years. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bruce Donaldson.

ADDRESS-IN-REPLY

Motion

Resumed from 10 September.

HON CHRISTINE SHARP (South West) [5.47 pm]: I support the motion, and seek to pass on to His Excellency some perspective on some of the issues confronting the South West Region. I will begin by discussing the draft forest management plans that are currently circulating in the community. It is important to talk more about these plans. Although the House had a debate on some of these matters yesterday, it was very short, and did not give the House the opportunity to discuss the depth and complexity of some of the decisions facing the community, the Government and the Conservation Commission of Western Australia in finalising the management plans.

I spoke yesterday about how the current forest management plans are last chance plans. That is because it is almost inevitable that, if the native forest timber industry cannot accept ecologically sustainable forest management objectives, then during the life of the forest management plans - that is to say, over the next decade - a momentum will almost

certainly grow in the community to pressure the Government to cease any industrial-scale forest operations in state forest. It is really important that the timber industry itself accept that the debate over forest management needs to move on. It is clearly in the interests of the industry, as well as of the rest of the community and the forest, that the forests be managed in a way consistent with ecological sustainable objectives. Industry at present is divided on this matter. Some in the industry are very keen to promote change, while others are fighting frantically to protect the status quo. If the industry does not accept ecological sustainability as an objective, at the very least it is highly unlikely that the native forest industry will receive certification through the Forest Stewardship Council, the internationally recognised body for forest certification. Without that, it will be hard for an export furniture industry to be seriously developed in this State.

What then are the decisions that are before us in that draft forest management plan, which is out for comment at the moment? Clearly, the Government's election commitment about the protection of all high conservation value forest is an issue. We are all aware that the Government has made a historic step forward in forest management in protecting most old-growth forest. I say most because there are remnants of old-growth patches throughout the regrowth forest, which I will discuss in a moment. However, the broad areas of old-growth forest are now protected and the Government has earned a place in the history books as a result of that significant step forward in the protection of conservation values in this State, but the work is not complete. A considerable number of areas of state forest are strictly classified as regrowth that, nevertheless, have important conservation values. Government consultants Ecoscape Australia Pty Ltd recently assessed 106 such blocks. For that report and the findings of the Conservation Commission of Western Australia to suggest that out of the 106 blocks assessed, only one and a quarter blocks deserved reservation, is clearly an inadequate outcome, particularly in the northern jarrah forest in which there are no new conservation proposals and in certain areas of the central forest where there has been a consistent reduction in conservation areas over the past two decades. Those areas have missed out under the scope of the old-growth policy. The draft forest management plan suggests there is a choice between two major scenarios for jarrah forest logging; scenario A and scenario B. It is important that members of this House understand the importance of going for the lower logging scenario A, which the Conservation Commission suggests would enable a first and second grade annual yield of 106 000 cubic metres. I suspect that this is still considerably above the genuinely ecologically sustainable yield of the forest. However, the commission has made a very important attempt to introduce for the first time, through this lower yield scenario, an ecological paradigm into the silviculture of the state forest management prescription. Even more important than further reservation is the proposal from the commission that mature habitat zones should be protected throughout the state forest that is still available for logging, which amounts to about 850 000 hectares in jarrah forest.

The commission has proposed that the old-growth patches to which I referred, which have remained in areas of forest that have been logged once, twice or sometimes more, should be left as mature habitat zones. The reasons behind the proposals are important. The least disturbed areas in the forest protect about 42 species of dependent threatened fauna, including threatened species that are considered icons of Western Australian. I refer to the red-tailed black cockatoos and the ring-tailed possums as examples. The habitat zones serve not only to protect the species that live in tree hollows but also to provide areas for animals that thrive in undisturbed forests, such as quokkas. The current quokka population on mainland Western Australia is in a perilous state. In fact, the mainland quokka population is collapsing and it is quite likely that it will become extinct. The forests provide a last refuge for these species because of the substantial disturbance both to the west and east of the forest belt. On the coastal plain, the forest is substantially taken up with urban development and there is little scope for fauna populations. The agricultural region is to the east of the main forest belt and many shires have less than 10 per cent of remnant vegetation. Given the further threat of rising water tables and salinity, it is estimated that between 400 and 800 species of flora and fauna in the area are threatened with extinction. We are dealing with remnant populations from a larger biological region of the wider south west that have managed to hang on in the State's forests. As proponents of logging have repeated on many occasions - it was raised in yesterday's debate - species in forest areas have survived but have become extinct in cleared areas. That is true. However, all such populations are declining, and, until recently, an overall scientific study on the effect of logging on fauna populations did not exist. For the first time since the Kingston study began in 1993, we have solid information about the impact of logging on our fauna. The initial findings of the Kingston study have revealed that logging has had a significant impact on the local populations of fauna -

Hon Peter Foss: Is that the student from Murdoch?

Hon CHRISTINE SHARP: No, it is not.

Given the increased intensity of logging in the jarrah forests since the introduction of gap creation, if we cause local populations to move towards a localised extinction one after the other, at the end of the process such species will face total extinction. Extinction is a one-way process: once a species dies it does not come back. That is why we have to move to ensure that the populations that are hanging on in the forests not only remain with us forever but also recolonise. The mature habitat zones and proposed patches of old-growth forest that are left undisturbed are an incredibly significant step forward in developing ecological objectives while accepting a certain amount of logging. That is what is meant by ecologically sustainable forest management. It is a science that dictates that, foremost, forests must be protected for ecological values. Following from that, logging methods should totally support such values.

Sitting suspended from 6.00 to 7.30 pm

Hon CHRISTINE SHARP: Before the dinner suspension I was explaining why it is important to not only the conservation movement but also the timber industry that we support the principle of ecologically sustainable forest management, in particular the protection of mature habitat zones, as proposed in the draft forest management plan. These proposals, which will ensure that in the face of the collapse of meta populations of fauna, individual and isolated populations can continue to inhabit and recolonise the forest, have come from CALM scientists through the Kingston study, which was led by Dr Neil Burrows and was proposed for the Conservation Commission of Western Australia by a committee comprising senior scientists, including Dr Per Christensen from the Forest Products Commission. It would be very irresponsible of the Conservation Commission and the Government not to accept their important responsibilities for the protection of fauna in state forests.

I take this matter so seriously that in due course I will be introducing a private member's Bill on this subject, so I will not talk about it any more tonight except to point out that it would be very easy to jump to the conclusion that this is yet more disastrous news for the timber industry. I will offer the House three important reasons that this is nowhere near as bad news for the timber industry as it may sound. The first reason that it is not bad news to protect the patches of old-growth forest that exist in the regrowth forest is that the reason these old-growth patches remain is that many are unsuitable for the production of good quality jarrah. They are often found in areas that have shallow soils or a predominance of old stands of marri. I suggest that if we were to overlay a productivity map with a map of these old-growth patches, we would find that most of them do not correspond with areas of forest that produce jarrah trees that are suitable for sawlog production.

The second reason, as I said in debate yesterday, is that it is critical that we move the timber industry forward from a regime in which at least two logs are wasted for every log that is accepted as a sawlog. In many cases, the ratio of waste logs to sawlogs is even higher and can go up to one in four logs; that is, there is one sawlog for every four logs wasted. Let us be conservative and say that one sawlog is produced for every two logs wasted. We must move beyond this situation because we cannot have any kind of resource industry that is based on high grading of a resource, whether it be in the mining industry or in the renewable sector.

Many of the logs are rejected because they have a defect and perhaps therefore only two-thirds of the width of the log is of high quality. Logs are also rejected because a log must be 2.4 metres long to meet the criteria of a sawlog. A considerable amount of high quality jarrah is left behind because it is too short. Under the draft forest management plans, some half a million cubic metres of other logs would be available per annum. This presents a remarkable opportunity for industry to improve its utilisation through the reform of the allocation system. The protection of threatened species and high conservation areas should not be a threat to the timber industry.

The third reason that I do not think the news is as bad as it might first seem is that the timber communities that have been affected by the Government's old-growth policy have not been as seriously impacted upon as has been claimed in some quarters in the media. The web site showing employment, workplace relations and small business has available figures that show that in Manjimup and Nannup, unemployment has decreased from March 2000 to March 2001 to March of this year. Manjimup particularly has been the subject of much concern. The labour force in Manjimup between 2000 and this year has increased. More people are working in Manjimup now than two years ago before the Government changed. In December 2000, 6 440 persons were in the labour force in Manjimup. By March 2002 the labour force had grown to 6 787. Far from there being a collapse of the labour force, numbers have increased in Manjimup, the epicentre, as it were, of the impact of forest management changes. That has meant that the percentage of unemployment in that community has dropped from 4.9 per cent in March 2000 to 4.1 per cent in March of this year.

These statistics give some indication of the remarkable way in which communities in the south west have grasped the challenge of changing to more sustainable production and to developing new opportunities. I would like to see far more made of the industry assistance program that government is developing. It should be far more proactive than simply paying people to go away and should be further fostering the development of new industries throughout the region in towns such as Manjimup, Collie and Nannup.

Perhaps the most important opportunity we need to discuss in the context of changing priorities for forest management is the need for some really clear strategic thinking for the plantation resource. Whether it applies to native forest or to plantation timber, the south west grows really good trees. The south west is the home of some of the most spectacular trees in the world. The plantation industry has the potential to be one of the most significant strategic industries in the region. I will not, in discussing the plantation sector, talk about the pinaster resource on the Gnangara mound because that is the subject of a Bill shortly to be debated in the House. There will be ample opportunity for discussing that sector of the industry. I would like to touch on what is considered to be the more commercially important of the softwood species, the radiata. I have been very critical, in the recent past, of the State's management of the radiata resource, because there is considerable potential - even given the constraints of the two state agreement Acts which centre on that resource - for a better segregation and use of that resource. In fact, I have estimated that at least 50 000 cubic metres of radiata pine could be freed up for a very substantial pine sawmill, that would more than replace the most unfortunate loss to Manjimup of the largest independent pine mill in the south west, Pempine, quite recently.

I am very pleased to hear - informally at this stage - that, since I raised concerns about information I received during the estimates committee, WESFI, under the state agreement arrangements for its particle board factory, has now provided to

the Government about \$2 million it owed under the state agreement Act arrangement. The company gets the resource extraordinarily cheaply, but it had been refusing to pay this money to the Government. I understand now, from the Forest Products Commission, that those arrears have been made up, and that substantially more than \$1 million has been paid. This has happened since I raised concerns that the Government is not adequately implementing the arrangement under the state agreement Act.

Then there is the blue gum industry. In *The West Australian* today there is an article about the blue gum industry, which states -

Within 13 years, Australia is likely to be awash with plantation hardwood woodchips, providing enough material to supply another eight to 13 world-scale pulp mills, according to a new study.

The study being quoted was prepared by the Forest Science Centre at Melbourne University for the Federal Bureau of Rural Sciences. Behind this article lies a very interesting story about how the only strategic planning the plantation sector has received from government is that of taxation policy.

To use taxation policy to plan a resource industry is to use an extremely blunt instrument. Using that kind of instrument leads to exactly the glut that has been referred to in the paper. It also points to obvious implications for the south west region, the first of which is that an absolute priority of this Government should be to foster the establishment of a pulp mill in the south west. If growing trees is a key strategic industry in our region, it makes absolute sense to support the infrastructure to maximise the benefit of that industry to the region. When I refer to a pulp mill, I am very much talking about a chemo-thermo-mechanical pulping process - CTMP - which requires considerably less water and is far less polluting than the notorious kraft process. However, it is clearly an objective to start to process plantation woodchips in our region. Currently we use tax enhancement - that is, tax revenue - to pay for people with a tax problem to establish young blue gums in plantations. First, the taxpayer, or the Australian Treasury, indirectly supports that. Then, when the trees are harvested we put the raw material on a ship - causing enormous transport impacts which I will come to in a moment - and send them to Korea or Japan and pulp it there. It has been estimated that every year the export of raw woodchips and the reimport of paper into this country costs the Australian nation \$2.3 billion per annum in the trade deficit in forest products. It makes enormous sense, if we are to grow trees and use paper, for us to do it in Western Australia and for the Government to make that a key strategic objective in an environmentally sound manner.

I have done a lot of research on this subject, and I believe the south west could support two CTMP mills - one in the great southern and the other in the Collie region.

Hon Peter Foss: You had better let Wesfarmers know because it does not think so. Michael Chaney will be grateful for your financial acumen.

Hon CHRISTINE SHARP: I presume Michael Chaney is aware of the remarks I made in the media in the south west, but Hon Peter Foss may not be aware of them.

Hon Peter Foss: I am sure he would read them with interest, having spent a lot of time working on the issue himself.

Hon CHRISTINE SHARP: Good. Clearly, if we are to support a hardwood plantation industry - as opposed to a softwood plantation industry - as an important development of our plantation sector, with a move from pines to eucalypts, we must get away from the fact that the whole strategy is based on a residue. In classic forestry terms, it is absurd to establish plantations to produce a residue product; that is, a woodchip. With eucalypt and hardwood plantations we must crack the technical problems that prevent the establishment of a hardwood sawlog industry based on plantation material. That must be our clear objective for this strategic industry in the south west.

To reproduce what happens naturally in the native forest, a hardwood plantation industry must be based on a silvicultural regime, which requires pruning. That is similar to what happens in the softwood plantations. It is labour intensive. Much work is required to prune growing trees to establish a clear bole that is suitable for sawlog production. That is why a hardwood plantation sawlog resource is best established under a farm forestry regime; that is, in small owner-occupied landholdings that are worked by the farmer or landowner to maximise the value of the resource. This can increase the value many times beyond what is earned from growing trees for export as woodchips. However, to do that, we must understand how genuine farm forestry works. It is different from industrial forestry done on cleared land. We need to move away from the domination of the plantation sector by people such as Michael Chaney. We need to move towards genuine farm forestry because that is the area in which the real benefits will accrue to our region. It was therefore with great disappointment that I noted the composition of the membership of the Minister for Agriculture, Forestry and Fisheries' new plantation advisory group, which was announced in Bunbury two weeks ago. No farm foresters are on that group.

The new advisory committee is dominated by the industrial plantation sector and the people who established the status quo. The status quo has taken us up only the very first rungs of the ladder for developing the plantation sector as a key strategic industry in the south west region. As I discussed a moment ago, the Government must support the associated infrastructure that is necessary to enable the plantation sector to develop. A strategic objective and the first key part of that infrastructure should be the development in the south west region of at least one but preferably three CTMPs; that

is, small-scale, environmentally friendly pulp mills. Unfortunately, planning for the industry is still based on the export of the raw commodity. The central south west region is in the throes of a very serious social and political conflict about the infrastructure that will underpin this commodity export industry. I refer to the proposed establishment of two new chip-mills in the south west. One is proposed by WA Plantation Resources Pty Ltd - WAPRES - which is owned by the Marubeni Corporation, the Japanese pulp mill that has been merrily buying karri and marri woodchips for some decades and is now the leading buyer of our plantation resource. The other is the Hansol group, which under state agreement Acts owns plantations in the Collie and Darkan regions. The taxpayers have indirectly paid to put many of the trees in the ground. These trees make their way to a chip-mill, where they are shredded into little bits and loaded onto a ship and sent to Japan, where the real value is added. Surely, it is in the public interest for the Government to pursue the establishment of the infrastructure that would enable the companies to make an enormous profit for our region. The product is currently entirely exported for the benefit of overseas interests.

That is why it is absolutely critical that the chip-mill proposed to be built at Brookhampton be located at a site that facilitates the development and transport needs of such a facility. WAPRES proposes that the chip-mill be built in a rural zone in Brookhampton, which is in the Shire of Donnybrook-Balingup. The location is near a large number of small-scale hobby farms. The farmers have been attracted to the region to live by the planning mechanisms of the shire, which has designated the nearby area as a special rural zone ideal for people wishing to live a quiet rural life. All of a sudden, they find that a multinational facility is proposed for their area! It is a completely inappropriate location. Not only that, the facility will require the arrival and departure of approximately 230 road trains each day. They will need to travel along the South Western Highway between North Greenbushes and Donnybrook. The majority of the road trains will take the route from the plantations in the Boyup Brook region along the Preston Valley road. The problem is that the highway, which provides access to the Brookhampton site, is completely unsuitable for carrying the current level of road freight. It is estimated that road fatalities on that stretch of highway, particularly between Balingup and Donnybrook, are double the state average. We now have a proposal to increase the number of road trains by 230 movements each day. Only last week, I conducted an audit of that stretch of the highway to see whether the South Western Highway conforms with Main Roads guidelines for the movement of multicomination vehicles, which is their technical name. Such vehicles have several components that one would normally refer to as a road train. Using Main Roads' guidelines, my office has determined that, in the stretch of highway between Balingup and Donnybrook that would service the proposed chip-mill, there is a conservative requirement for four additional passing lanes, two in each direction. They would be necessary for that stretch of highway to conform to Main Roads' guidelines.

The proposal is unacceptable to the people who live in that region. On a personal note, my son travels to Bunbury five days a week on that highway to attend Bunbury Senior High School. In effect, he travels that stretch of road 10 times a week. Many school buses use the highway to service other high schools, such as Donnybrook High School. It is completely unacceptable to our community that we be asked to receive a new facility that will greatly increase the road hazard in our region. In addition, an acceptable and available site for the WA Plantation Resources Pty Ltd mill has been identified in Kirup, which is roughly in the middle of the route between Balingup and Donnybrook. That site, which is slightly north east of the town, will enable - this is the beauty of the suggestion - all of the plantation transport coming from WAPRES's plantations that are east of the South West Highway, such as those in the Collie, Boyup Brook and Chowerup regions, access to the Kirup site through the old forestry settlement at Grimwade, which is to the east of Kirup. Many years ago, Grimwade was an important timber-milling site but now it is a deserted settlement. Nevertheless, it remains the hub of a network of roads that extends to the east. The network of what used to be old logging roads is available to segregate the road trains transporting blue gums that will travel to the proposed chip-mill from other road users on the South Western Highway. This solution is staring us all in the face and the only reason WAPRES is not keen on that solution, and why it would prefer to go further north to Brookhampton, is that to move the chips to the Bunbury port, it will require two locomotives from the Kirup site - if the mill is further north only one locomotive will be required - because the area around the Kirup site, and in the middle of the stretch, is hilly. Therefore, more grunt is required to move the trains. However, the same topography of that area makes the highway dangerous. That section of highway winds its way through the hills with few overtaking opportunities. That is the same reason WAPRES should be obliged to recognise public safety as a critical criterion for its largely tax-enhanced proposal and why it should establish the mill in the right planning zone and in the right region, in order to segregate the road trains and prevent a large impact on the south west communities. While many of us in the south west have been working hard to bring basic sanity to the proposal, we have also been aware that a second chip-mill will be established by WAPRES's commercial competitors, Hansol Australia Pty Ltd, which has a state agreement in the form of the Collie Hardwood Plantation Agreement Act 1975. Most of its plantations are in the Collie region. Again, an appropriate site at which Hansol can carry out chipping for its export industry has been identified. That site is to the east of Collie and is right on the railway line. However, Hansol does not want to use the Collie site nor does it want to put its chips on a train that conveniently travels down the scarp into the port. The company wants to build in the port itself. It can then gather the resource, in competition with WA Plantation Resources, from other plantations spread throughout the south west region. Hansol Australia Pty Ltd is now proposing to build a chip-mill in the city of Bunbury. There would be a further impost of a considerable number of road trains into the port of Bunbury that, at the current time, already sustains a delivery of something like 1 000 daily truck movements at the large roundabout just outside the port of Bunbury.

It was therefore with considerable concern that I read in the newspapers last week that suddenly, out of the blue, Premier Gallop had given Hansol his blessing. I could not believe it. Only the previous week, the members for Bunbury and Collie, two Labor members of Parliament and both in marginal seats that will experience the social impact of this proposal, were quoted on the front page of the *South Western Times* as saying that Hansol should build the chip-mill in Collie. Here was the Premier with a photo opportunity the following week, shaking someone's hand and saying "Hansol wants to go to Bunbury". I believe the Premier did not even have the courtesy to consult his local MPs, let alone the wider community.

All of this comes back to the need to move beyond a market-driven approach to strategic industries. It clearly points the way to moving beyond blunt instruments like tax enhancement to maximise economic benefits to our region. If we recognise that the plantation sector can be a key industry for the region, then it is important that the Government clearly addresses the need for strategic planning of this sector and that it is prepared to fulfil the role of government. That seems pretty obvious.

Having gone through this whole argument only two years ago with the establishment of the Albany chip-mill under the previous Government, I will never forget when I was at a public meeting in Albany, which was attended by the then Minister for Transport, Murray Criddle, and the then local member. At this meeting, the community said how extremely concerned it was about the idea of these additional road trains going into the port of Albany. The public was desperately seeking some relief from government in requesting that the Government should carry out better strategic planning on the siting of the infrastructure. The then Minister for Transport turned to this gathering and said "And what do you think we can do?". The community said "But we thought you were government." The then local member, Kevin Prince, in subsequent correspondence, went on to express the view that for government to govern in these matters and take a key strategic role in the planning of this infrastructure, it would only be acceptable "under an absolute dictatorship" - those were his very words.

When I read that in this place a few days later, I did some homework to find out exactly what the local member could mean by those remarks. To my surprise I found that we already had the required government instruments in the form of the Transport Co-ordination Act. That Act remains our key transport regulation in statute. Not only that; that Act was used regularly by Governments as recently as eight or 10 years ago to regulate those roads on which road trains were acceptable. The extreme dictatorship that was referred to is in fact Governments in the early 1990s, and that shows how this kind of market mechanism has completely eroded the thinking of government itself and the notion that government can serve the communities it represents, protect them and maximise the benefits for them.

I suggest in this case that we want a timber strategy. We want government to play a strategic role in orchestrating the move from native forest logging to the plantation industry and to the establishment of a hardwood eucalypt plantation industry - not native forest. This will not happen without clear government foresight and planning, because the reality is that anything to do with trees takes a long time and foresight. In the same way, ironically, the radiata pine that we are harvesting at the moment for a pittance was established a generation ago by foresters and government, which had great foresight that we were running out of high-quality native forest timber and that inevitably a good supply of sawlogs would be needed. The trouble is that to grow a good supply of sawlogs in the plantation context takes at least three decades at the moment. We have a game plan that lasts for three decades. We get two and a half decades through the game plan and, whoops, we have a particular moment in time and a particular Government, we introduce a state agreement Act and we give the whole lot away for next to nothing. We refuse to stick to the game plan of maximising the benefits for the people of the south west and not for multinational corporations.

I have developed this theme in my speech tonight because I am talking about industries about which I know quite a lot. It is, however, a pattern that can be seen in almost every resource industry in the State. Until Governments come to terms with the fact that we need to change the game plan, they will still not come to terms with how they will meet community expectations and deliver real sustainability, as opposed to reports full of motherhood statements. I am talking about genuine ecological sustainability and a prosperous and happy region with lots of jobs, lots of trees and lots of communities. Instead of that, it is the same old rip-off.

We have been woodchipping the native forest for three decades. I ask you, Mr Deputy President (Hon Barry House), where are the Mercedes Benz in Manjimup? What benefits have come to the ordinary people in the south west from largely removing one of the finest hardwood forests in the world? Show me where those benefits are, Mr Deputy President, and I will be very surprised, because in fact those benefits have all been exported from our region. Now our old-growth woodchips are not even wanted, because it is a bit inconvenient to turn old-growth trees into paper as they are so old, gnarly and tough, and extra chemicals must be used to pulp them and so on. Now people would much rather latch onto the plantation resource. This same type of rip-off is occurring in the plantation sector with the same game players: they have shifted the location, they have shifted the trees, but it is the same game.

I encourage this Government to have the confidence to stand up for our communities in the south west, to protect us and help us to develop the region and embellish the beautiful characteristics of which we are all so proud, and not let people rip us off and all the profits are exported.

Debate adjourned, on motion by Hon Bruce Donaldson.

FAMILY COURT AMENDMENT BILL 2001*Second Reading*

Resumed from 10 September.

HON NICK GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [8.15 pm]: Members who have spoken during this debate have made a number of points; some were philosophical in nature and others were technical, and the latter require a response. First, on the issue of funding, I note what has been stated by Hon Peter Foss and what the Attorney General has said in the media and in the other place. I am advised that the issue of extra funding for the Family Court of Western Australia is being examined by a joint commonwealth-state committee which will report shortly to each of the Attorneys. The issue of intestacy was raised by Hon Peter Foss.

Reference was made to proposed sections 15(2) and 15(3) of the Administration Act 1903 in schedule 1 of the Bill and the circumstance that applies when parties are married, they separate, a spouse ends up in a de facto relationship and dies. Part of that spouse's estate is intestate - it is not necessary for the person to have a will, and a will may not deal with everything - and that part of the estate not covered by the will, according to what is set out in the schedule -

Hon Peter Foss interjected.

Hon NICK GRIFFITHS: That is right. There may be no will or it may be a will that does not deal with the whole of the estate. I am referring to property that is intestate. The proposed schedule deals with formulae to the effect that after two years the de facto in certain circumstances gets 50 per cent, the surviving spouse - the parties not having divorced - gets 50 per cent, and after five years the de facto gets the lot. That would not be a difficulty and would not require anything to be done in the circumstance where an application for property settlement was pending in the Family Court pursuant to the Family Law Act. That would be dealt with under the circumstances set out in section 79A of the Family Law Act. I will deal with the issue with which the Family Law Act does not deal. A similar circumstance was envisaged between de facto relationships, and relates to proposed section 205ZH. The difficulty arises in the circumstances I have outlined in which no application is pending in the Family Court pursuant to the Family Law Act. That difficulty can exist in a number of instances. For example, if spouses were to divorce and an application for property settlement was not brought in time, I note that there are provisions that would apply outside that time frame.

Hon Peter Foss: It is basically 12 months.

Hon NICK GRIFFITHS: Without referring to a particular section, I understand that the period is 12 months after the divorce. However, people can fall through the cracks in some circumstances. The former spouse - in this case a de facto partner - can sometimes miss out, and there needs to be a remedy. I have given the matter some thought. I have taken advice. I have conferred with the Attorney General's advisers. Frankly, it is difficult to say what the remedy should be. There are a number of alternatives. One alternative is canvassed on the Notice Paper, which we will perhaps debate later. The Government believes that the appropriate remedy when matters fall through the cracks is the one that currently exists, which is to make an application under the Inheritance (Family and Dependents Provision) Act. In that context, I note that it would be an application to the Supreme Court, but we are dealing with matters of intestacy and the Administration Act.

Hon Peter Foss: It is interesting that we will now get a separation between the two sets of proceedings.

Hon NICK GRIFFITHS: It is interesting. In these circumstances, I am pretty sure that an inheritance application in the Supreme Court would be by way of an originating summons. Some would argue that those procedures are not as strenuous as the procedures of the Family Court.

Hon Peter Foss: It is not cheap, though.

Hon NICK GRIFFITHS: One could argue that proceedings in the Supreme Court by way of originating summons under the Inheritance (Family and Dependents Provision) Act may well be cheaper than proceedings in the Family Court. There are variables in every case and different procedures apply.

Hon Peter Foss: It is mainly affidavit evidence.

Hon NICK GRIFFITHS: As Hon Peter Foss pointed out by way of interjection, it is evidence in chief by way of affidavit, along the same lines as the Family Court. The procedures vary. That is considered to be the appropriate way to deal with the matter. Section 7 is the relevant section of the Inheritance (Family and Dependents Provision) Act.

Other jurisdictions in Australia have considered this issue and deal with it in a number of ways. I am advised that no provision is made for de factos in the distribution of intestate estates in Tasmania. In New South Wales, a de facto partner can have the whole estate after a minimum qualifying period of two years, so that is tougher than what is proposed in this schedule. The legislation in the Northern Territory is similar to that in New South Wales. Queensland has a half-and-half set-up after five years. Victoria recently enacted legislation touching on this issue and has a graduated approach. There are a number of different approaches. Essentially, the Government is of the view that it has put together the appropriate choice from a range of choices - which we will get to in due course during committee -

namely, half after two years and the whole estate after five years. It is difficult to cover every conceivable circumstance. However, we have the capacity to right what may be an injustice under the provisions of the Inheritance (Family and Dependants Provision) Act. It is difficult to see how someone who had a case under the Family Law Act, and had not had the matter dealt with, would fail under the inheritance legislation.

The next issue raised relates to the definition of de facto. I thought that term had been laid to rest.

Hon Peter Foss: We did not like it then.

Hon NICK GRIFFITHS: In the course of the passage of another piece of legislation, the Acts Amendment (Lesbian and Gay Law Reform) Act 2002, the House agreed to amend the Interpretation Act. This occurred in the last session of the Parliament. In dealing with the definition of de facto in that Bill, it is my recollection that I had proposed to move a similar definition to that set out in this Bill. However, in the course of the debate, some amendments to that proposed amendment were made, and that is what is in the Interpretation Act. The House may recall that those adjustments were made in the course of debate with Hon Peter Foss. My recollection is that it was a matter of acceding to some propositions that were being put by the Opposition; otherwise, arguably, the Interpretation Act amendments would be what are proposed in the Bill.

Hon Peter Foss: You are not suggesting that I agreed to those?

Hon NICK GRIFFITHS: I am not suggesting Hon Peter Foss agreed to what is in the Interpretation Act now regarding the definition of de facto. I am pointing out my firm recollection - the member can correct me if I am wrong - that adjustments were made at his suggestion, although not substantive adjustments.

Hon Peter Foss: What I am proposing now is not of a substantive nature, but it is consistent with trying to improve the Bill.

Hon NICK GRIFFITHS: I note the point. It is not something the Government proposes to accede to, but no doubt we will discuss that during committee. The current definition of de facto refers to a marriage-like relationship and deals with factors being indicators. The crucial point is whether it is a marriage-like relationship, and indicators are matters that would be taken into account. The propositions advanced by Hon Peter Foss earlier in the debate were interesting. However, our views on them can differ. These indicators and this treatment of de facto, marriage-like relationships are consistent with the treatment given them in other jurisdictions. I refer to the commonwealth social security Act and legislation in New South Wales and Victoria. Hon Peter Foss expressed an interest in going back into private practice and becoming engaged in a constitutional challenge acting for a wealthy person who had -

Hon Frank Hough interjected.

Hon NICK GRIFFITHS: A by-election would not cost much.

Hon Peter Foss interjected.

Hon NICK GRIFFITHS: I suspect that a client would have to part with some of it if he took the challenge to the High Court. I note the emphasis on lots of money. If I understand the point Hon Peter Foss made, he suggested that we were in some way creating a marital status that would impede on that covered by the Commonwealth. If a very wealthy person emerged who wanted to pay Hon Peter Foss, good luck. The Bill will not create a status. This legislation provides obligations that flow from an existing status that can be ascertained by reference to the definition.

Hon Peter Foss: I am saying that you will have to argue it in the High Court.

Hon NICK GRIFFITHS: It will be a very interesting debate in the High Court. I wish Hon Peter Foss good luck. It is interesting that although other States have legislated on de facto matters, that client has not emerged. Perhaps no-one has become aware that Hon Peter Foss is very keen to go to the High Court and debate the issue!

The Bill deals with notification in clause 47.

Hon Peter Foss: We moved that amendment in the other place.

Hon NICK GRIFFITHS: The issue was raised and I am making the observation that it was dealt with.

Hon Giz Watson referred to superannuation. Superannuation will be dealt with in this Bill in the same way it is dealt with now under the Family Law Act. Essentially, the Bill contains many clauses that provide for de facto relationships that the Family Law Act provides for marriage relationships. I refer to provisions in this Bill that are along the same lines as sections 75 and 79 of the Family Law Act; albeit, there are more numerals and letters after them in the Bill; for example 205ZD.

Hon Giz Watson asked about proof should a breach of a contravention order occur. Reasonable excuse must be on the balance of probabilities; that is, a person who is defending an application from a person accused of being in breach of a contravention order must have a reasonable belief that can be established to the standard of the balance of probabilities. That is consistent with the Family Law Act.

Hon Giz Watson also raised the matter of indicators regarding de facto relationships. The Commonwealth, New South Wales and Victorian legislation goes through the process of indicators. Overall, this legislation is consistent with those statutes, but it is not word for word.

Hon John Fischer expressed his views and his opposition to the Bill, and I understand his position.

Hon John Fischer: I hope you do. This is a total smokescreen, and the way the Government has handled the matter has been abhorrent. If the minister had the courage of his convictions, he would have stood outside with the other 3 000 people who protested against this Bill. Neither the minister nor any other member of the Labor Party had the guts to do anything about it. This is a smokescreen; it is about same-sex marriages and it is a rort. You are the minister for flim-flam.

Hon NICK GRIFFITHS: I was just commenting that Hon John Fischer had spoken on the Bill and expressed his opposition. He has again repeated his opposition to the Bill in a colourful way and I thank him for making clear his opposition to the Bill to me and to the House. I thank him for his colourful comments and I assure him that we are not like the other place. I do not mean to be disparaging of the Legislative Assembly, but I understand that members were asked to withdraw the use of the word "stupid" in reference to another member. I would not call another member stupid, but it is rather strange. I should not comment about how they deal with matters in the other House. However, they always pride themselves on being tougher and rougher than we are, and it seems that they might have lost their touch recently.

Hon John Fischer: Perhaps if you and your members were a little tougher, you would have been out there in front of 3 000 people expressing your view to the voters of Western Australia instead of being extremely quiet when the Bill was second read in this place.

Hon NICK GRIFFITHS: I am glad the member is enjoying himself and I am also glad that he is speaking during the main part of the proceedings so I will not have to stay up too late and listen to a long adjournment debate.

Hon Louise Pratt also spoke during the second reading debate, and I thank her for her observations. In particular, I thank her for reminding us that part of the Liberal Party in the previous Parliament was very concerned to have matters of de facto property relationships dealt with in the Family Court, notwithstanding utterances to the contrary.

Notwithstanding the heartfelt interjections of Hon John Fischer and Hon Frank Hough, I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Noes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Question thus passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Barry House) in the Chair; Hon Nick Griffiths (Minister for Racing and Gaming) in charge of the Bill.

Clause 1: Short title -

Hon PETER FOSS: I do not intend to spend a lot of time on this Bill in committee, because most of the major issues have been canvassed, and also because it is up to this Government to hang on its own legislation. It is not our job to try to fix up something that is unfixable. The changes that we require to this Bill are so fundamental that we in opposition could not attempt to reconstruct the legislation. However, I intend to move an amendment that is on the supplementary notice paper and that picks up an injustice that is worked by the legislation, taking it as a demurrer on the basis that we are assuming that all the arguments put by the Government are correct, and we are merely pointing out where the Government has got it wrong.

There is definitely a problem with the proposed amendments under the Administration Act, because in its attempt to right what it considers to be an injustice, the Government will create an even greater injustice. I am disappointed to hear that the Government will be resisting that amendment. I hope other members in the Chamber will be more supportive.

I had hoped that we would have the opportunity to discuss the definition of de facto, because that would have addressed some of my concerns. I think that, quite unwittingly, that definition, which has been put in the Interpretation Act and has been used in all of this legislation - which is a cheap and nasty way of doing things - is poorly drafted, because it brings in a lot of things that the Government had no intention of bringing in. I am sure the Government never intended to pick up multiple relationships. It never intended to pick up relationships which in ordinary parlance would never be called de facto relationships or seen as marriage-like. However, the particular way in which the words have been put together has expanded the ordinary meaning of the words "living in a marriage-like relationship" rather than merely providing a series of guidelines to the court of matters that it could take into account. In particular, there is a problem with multiple relationships, because I do not think that multiple relationships seem actively to contemplate multiple de facto relationships at the same time. The legislation does not talk about past de facto relationships; it talks about de facto relationships. De facto relationships seem to indicate current de facto relationships. Therefore, the legislation actively says that people may have multiple de facto relationships.

I can certainly understand the concept of a de facto relationship occurring while a de jure relationship is in existence. We would not be dealing with very much of a mischief if we did not contemplate that situation, but not where a person is in both relationships at the same time. The only place where that is not allowed is in the Administration Act. That is the only legislation that picks up the concept of being disentitled if there is a husband and wife relationship and the man continues to live with the wife. However, it does not seem to pick up the concept of living with multiple de factos at the same time. It seems extraordinary. Why can we not put this beyond doubt? It is a matter of clarity. At the moment, the legislation is clearly contemplated on the basis of multiple de facto relationships. I keep being told that we are talking about couples and that there can be only two people in a couple. However, the legislation contemplates multiple couples. It is a problem and not something that we should encompass.

However, the opportunity to address that problem does not arise because the provision is contained in an Act. Therefore, the opportunity to alter that definition is not available to us. I regret that the Government is not prepared to do anything about that. Let that be on its own head. It is not for us to try to fix the Government's legislation. We can do our best to point out these matters and to try to help as much as we can by providing drafts on how the legislation can be improved while maintaining what the Government seeks to achieve, but one can only lead a horse to water, one cannot make it drink.

I do not see the Chamber being involved in a lot of divisions on this legislation. I do intend that the Chamber divide on the first clause to indicate that we do not support the Bill. I do not intend to divide at all on part 2 because we support part 2. However, it is inappropriately placed in this Bill. It is unfortunate to put a measure such as that in the Bill, but it is there and we certainly do not have any problems with it. We have problems with part 3, but part 3 is a bit of a mixed bag. Having done what we have done elsewhere, the part contains matters that need to be in it. We do not like the idea of providing for children of same-sex couples who have been adopted or born as a result of in-vitro fertilisation; but, if it is to be done, it is appropriate that the people involved should have responsibility. Therefore, although we do not like the fundamental principle that underlies the part, the mischief of it is in an Act that has been passed by this Parliament.

The mistake has been made. We reiterate that we think it is a very sad and stupid mistake that this society will pay for in decades to come. Nevertheless it has been done, and we should not aggravate the situation by not providing for the children of those couples. We will not vote against that, although we may vote against some significant part of the legislation. In the Acts Amendment (Lesbian and Gay Law Reform) Bill 2001, each part had a sensible clause at the beginning that we could vote against, whereas this Bill does not contain such a sensible clause.

On some of these parts I might nominally call a division on the first clause, even though that clause does not make much sense because it has no particular bearing on the matter. I will do that merely so that the division will record that that is one of the parts the Opposition does not particularly like and it is taking the opportunity to indicate that. Anybody reading the record might find it a little hard to understand why the Opposition did this if they had not read what I had said about the first clause.

The Chamber will probably pass through this Bill fairly quickly; certainly so far as my contribution is concerned. However, I would not want to give the impression that, in doing so, the Opposition accepts any part or principle of this Bill. The Opposition is totally opposed to it, and the message is there. There is not much to be served by dealing with the matter in detail when the whole Bill is anathema to the Opposition, and there does not seem to be much point in telling the Government that a thousand million times. I will confine myself to those matters where, leaving aside the Government's own philosophy, it has got it sadly wrong. Where I think the Government is doing a gross injustice, I will raise the matter and seek the support of the Chamber.

Clause put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Noes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Clause thus passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 5 amended -

Hon PETER FOSS: This part has nothing to do with the rest of the Bill. Its essential aspect is to try to bring the Family Court Act in line with the commonwealth provisions relating to legitimate children. From time to time the Commonwealth has made changes to its legislation and we have brought our Act into line with its Act. I note that there is also the Child Support (Registration and Collection) Act, and we occasionally have not brought ourselves into line with that Act. At one stage the Commonwealth got itself in a total and complete twist and for four to five years the child support arrangements were utterly and completely disastrous. They have now been fixed, and although I would not say they are good, they are certainly a lot better than they were in that period.

Generally speaking this clause attempts to achieve some consistency. I do not purport to know a great deal about family law, but people who practise in that area say that although the theory of these changes is fantastic and they thoroughly agree with them, in practice they have made no difference whatsoever. That is probably why we should not mind making these amendments, because they will make absolutely no difference whatsoever. However, at least they will mean that only one set of laws need be considered, irrespective of whether a child is or is not a child of a marriage. If I recall correctly, I believe I was the minister who gave the instructions for this amendment to be made. It would be therefore somewhat inconsistent of me not to support it now. The intent of the clause is to ensure there is a clear consistency between the exercise of state and federal jurisdictions in the Family Court of Western Australia, and I support the entire part 2.

Hon NICK GRIFFITHS: I thank the member for his observations. This is the second occasion in two days that the Government has decided to go along with what the previous minister proposed.

Clause put and passed.

Clauses 5 to 28 put and passed.

Clause 29: Section 5 amended -

Hon PETER FOSS: This clause is a bit of a mess. I do not intend to go through and pick out the bits that are sensible and the bits that are not sensible. I reiterate, firstly, our basic opposition to the whole concept of this matter being dealt with by the Family Court and, secondly, the absolutely mad way in which the Government has gone about doing it. Leaving that aside, I have made that point adequately. Even within part 3 there are some parts of the principal Act that I do not have a great problem with either.

Again, I do not think it is worth our while going into why they are acceptable. I will give an example. I do not have a problem with division 3A, which is within part 3 of the Bill but which will be division 3A of the principal Act. However, I do have a problem with some sections of part 5A, which is in part 3, because of the extent to which it recognises certain types of de facto relationships.

Some other things also do not quite fit in. There has been a bit of integration between the two Acts. There are bits that are not inherently wrong; they are just wrong to the extent that we believe they should not be in the Act or should not apply to those types of relationships.

I intend to call a division on clause 29, which has absolutely no relevance whatsoever to anything other than it happens to be the first clause in part 3. It is not that I have any particular objection to clause 29 or that I particularly accept any other part of part 3; it is just that it does not seem sensible to divide on every clause. However, the Opposition will call a formal division on this clause to record that it does not accept this clause.

Clause put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Noes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Clause thus passed.

Clauses 30 to 52 put and passed.

Clause 53: Section 44 amended -

Hon PETER FOSS: The Opposition supports this part. It includes some provisions that we do not think should be enacted. That is a result of provisions in another Act that are also dealt with in this legislation. After the error in the other Act was made, the Government had to legislate appropriate provisions in this Bill. Apart from the difference of opinion over the definition of the word "parent", we would have supported these changes anyway. The changes are being made to ensure consistency with the Family Law Act.

Clause put and passed.

Clauses 54 to 75 put and passed.

Schedule 1, clause 1 -

Hon PETER FOSS: We now move away from the Family Law Act. I note that Ms Petersen, the adviser, has with her the entire Family Law Act. It shows that good preparation often means that it does not have to be used! I hope that she has also brought the Administration Act, because that is the one on which we will spend some time. She is reaching for it now. It has been argued - I certainly accept it - that there is a degree of unfairness in the way people in de facto relationships conduct themselves towards each other. We have said all along that we accept that basic principle, and we accept that the law must change to deal with it. We would not have picked this particular method, but that is the decision made by the Government. However, the Government must always be careful when it amends a law to redress an injustice that it does not thereby create another injustice. It is always easy to pick out an example, flog it to death and say that that example shows how unjust the particular legislation will be. I will use such an example because I think it is a fair one. I do not think it is an unusual way in which de facto relationships come about and fall into place. Many - although not all - people in de facto relationships are non-English speakers. To a large extent, that is due to the fact that one or the other is a Roman Catholic and does not believe in divorce. A person has separated from his husband or wife and gone to live with someone else, but because that person does not believe in divorce, divorce proceedings are not commenced. Therefore, nothing is done with regard to property settlements.

It is not unusual for couples to separate and go nowhere near a divorce court. Often, that is the very reason that a de facto relationship occurs. A person separated from his partner cannot marry again because he is not divorced. The reason he is not divorced is because the church or one of the parties does not approve. We all know there is nothing to stop people from getting divorced. It may not stop me or other members, but it may stop other people. To some people, it is crazy to live in sin because people are not prepared to get divorced because the church does not approve. That is the reality. I am sure members have been contacted by people in those circumstances.

Another circumstance involves couples who work hard, buy a house, pay off a mortgage, raise children and put them through school, and after the children leave home find they are not interested in one another. It happens. Couples are often kept together by the joint effort of getting where they want to go and raising children. Often, when people get to the stage of life when, at long last, they can sit back and enjoy the fruits of all their work and coast for a bit, they separate. I admit that many males are interested in finding a younger female. It is a sad thing but it is not an unheard of occurrence. Some men have a tendency for a wandering eye when they are going through a midlife or later crisis. I hear comments from behind me. I am not saying that is right; it is reality. Many partings can be perfectly amicable. A husband often leaves and the wife stays in the house, continuing to be supported by the husband. A person might say that is crazy, why do they not do something about it? A lot of people do not like going anywhere near a court. Some people believe the status of marriage is an important thing to have even if couples do not live together. It may sound crazy, but it is often the reality. I am not talking about whether people should do it, but what they do. The sorts of examples I have given are not exaggerated or extreme. It can always be said that in a marriage, or a partnership of any nature, the hard time is in the early years. The first 30 years are the toughest because that is when people pay off a

mortgage, struggle for position and bring up children without the benefit of the higher earnings that come later in life. That is the hard time. The later years are the ones that people expect to enjoy the fruits of their labour.

Under the Bill as it emerged from the other place, a person has two years before he loses one-half of his property if his spouse dies. I know a lot of people who, even after 10 years, have not brought divorce proceedings. Many people in those circumstances do not bring proceedings within two years. In five years, it is the end - out! The minister has said that people need only go to the Supreme Court and make an application. If that were the solution, we do not need this amendment at all. A de facto partner could make an application at the court under the Inheritance (Family and Dependents Provision) Act immediately. Any injustice has been remedied by the gay and lesbian law reform legislation. If that is a suitable remedy, we have it. Why does the Government want to make the spouse have to do it? Women often spend 30 years of their lives establishing a home and raising children. Once in their 50s, some husbands decide that their wives are a bit fat and uninteresting and leave to find a younger woman. Such a man may stay with a new woman for five years and then die. Under those circumstances, a woman can go to court. There may be circumstances under which a person will need to go to court. Even under the current situation, people occasionally need to go to court. Nobody says that the Administration Act is perfect but, generally speaking, it does not do too badly. To a large extent, it provides similarly to a well-drawn, sensible will. However, I do not think this legislation is sensible. I will move the amendment standing in my name in a moment, but that is not the end of the matter. Members can still do what the minister says should be done if they do not like it. However, I have tried to come up with a formula that I believe better represents a fair deal, given that it is the early years in particular that are the tough ones. I have not even tried to weight that in the amendment; I have just said that the de facto partner will share with the husband or wife in the proportion that the time that the person has been in a de facto relationship bears to the time the husband or wife has been married to the intestate.

If one had to pick a rule of thumb and said, "All right, you have been married for 30 years and in a de facto relationship for five years. Why shouldn't the ratio be 30 to five?", what is wrong with that? If one must find a rule of thumb, why not that? Do not tell me that the situation is worse in other States. Do not tell me that New South Wales does something. This is Western Australia, and we, as legislators, have an obligation to make sure the legislation is fair. The fact that it might be done unfairly in another State will never justify it being unfair here. It is said that it is better to be ultimately right than consistently wrong. If we accept this legislation, we will be consistently wrong. Therefore, I would like to move that we be ultimately right. I move -

Page 102, line 12 - To delete the words "one-half of" and insert -

share with the husband or wife in the proportion that the time that the person has been in a de facto relationship bears to the time the husband or wife has been married to the intestate

Proposed subsection (2) will therefore read -

If the intestate dies leaving a husband or wife and a de facto partner, then where -

- (a) the de facto partner and the intestate lived as de facto partners for a period of at least 2 years immediately before the death of the intestate; and
- (b) the intestate did not, during the whole or any part of that period, live as the husband or wife of the person to whom he or she was married,

the de facto partner shall be entitled, to share with the husband or wife in the proportion that the time that the person has been in a de facto relationship bears to the time the husband or wife has been married to the intestate . . .

The other provisions will fall away. I am not proposing a reactionary, unfair, extreme, left or right point of view. This has nothing to do with politics; this is to do with being fair. Frankly, the rule of thumb that is currently in the Bill, although it is better than what we had, is unfair, and I cannot accept it. Therefore, I urge the Government to consider this amendment.

Hon NICK GRIFFITHS: The issue was raised last night. I did consider it. I have considered this amendment. I have conferred. I am able to say, therefore, that the Government has reconsidered the issue and considered the amendment. This is a solution. What the Government proposes is a solution. Each of the propositions is arbitrary. None of them is perfect. I argue that the Government's position should be preferred because, arguably, it gives a greater degree of certainty. It is a solution for the wellbeing of our society. It is better than leaving matters alone. We have a solution: two years for half and five years for the whole. There is the safeguard of the Inheritance (Family and Dependents Provision) Act. We are dealing with circumstances in which part of the estate is intestate. People may make wills and cause somebody to be left out. There are many instances involving people who were married and somebody is left out. When concluding the second reading debate I gave the example of the person who was separated, then divorced, but failed to bring an action within time. That person would have the capacity to seek leave to bring proceedings out of time - I understand the law has developed somewhat in that context - but he or she would still have to take an active step in the Family Court. The Government's view is that what is being proposed is a solution. It is a solution consistent

with what occurs in part in other jurisdictions. Each State that has grappled with the issue seems to have a different solution to this problem, but the Government has decided that the appropriate solution is that which is included in this legislation. It is not perfect. It would be inconceivable that someone with a good claim under the Family Law Act, if proceedings were pending, would not succeed under the Inheritance (Family and Dependants Provision) Act.

Amendment put and a division taken with the following result -

Ayes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Noes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Amendment thus negated.

Hon PETER FOSS: Amendment No 4/S1 now falls away but I will persist with amendment No 5/S1. If this amendment is passed, we will have a situation in which the intestate property will be split half-and-half. That will always be the case; there is never a total disinheritment. This mitigates it to some extent. I do not like the idea that, under this provision, the spouse of the intestate would get nothing after five years. The situation should be half-and-half, and if a person does not like that, he can go to court and ask for an order under the Inheritance (Family and Dependants Provision) Act.

I move -

Page 102, lines 17 to 27 - To delete the lines.

I clarify for members that I will divide on this amendment and the third reading, but I do not intend to divide on anything else.

Hon NICK GRIFFITHS: I note the comments that have been made. The arguments for and against are the same as those for the previous amendment.

Amendment put and a division taken with the following result -

Ayes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Noes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Ed Dermer	Hon Nick Griffiths	Hon Jim Scott	Hon Kate Doust (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Amendment thus negated.

Hon NICK GRIFFITHS: I move -

Page 103, line 21 - To insert after "of" the word "surviving".

If both this and the following amendment are carried, the heading to the fourth schedule to the Administration Act will in part read -

rights in respect of dwelling houses.

At the moment it reads -

rights of surviving spouse of intestate as respects to the matrimonial home.

The amendments almost verge on Clerks' amendments.

Amendment put and passed.

Hon NICK GRIFFITHS: I move -

Page 103, line 22 - To delete "to".

Amendment put and passed.

Schedule 1, clause 2 -

Hon NICK GRIFFITHS: I move -

Page 104, line 1 to page 105, line 16 - To delete the lines.

Hon Peter Foss: It is only part of a schedule.

Hon NICK GRIFFITHS: It deletes the definition of de facto as contained in the Interpretation Act, which was the subject of other legislation passed earlier this year.

Hon PETER FOSS: The definition, which is now in another Act, is a stupid definition and could have been much better worded. I am disappointed that the Attorney seems to be so obdurate on these matters. It seems that once he has taken a point of view he cannot possibly step back and make any change whatsoever, apparently due to a matter of honour or false pride. I think the definition could be made clearer and it is a shame that will not happen.

Amendment put and passed.

Schedule 1, clauses 1 and 2, as amended, put and passed.

Schedule 1, clause 3 put and passed.

Title -

Hon NICK GRIFFITHS: I move -

Page 1 - To delete "**and the *Interpretation Act 1984***".

The Bill does not amend the Interpretation Act.

Hon Peter Foss: It is required under standing orders to be amended.

Hon NICK GRIFFITHS: The amendment will make the content of the Bill consistent with the description in the long title.

Amendment put and passed.

Title, as amended, put and passed.

Bill reported, with amendments and an amendment to the title.

Leave granted to proceed through all remaining stages at this day's sitting.

Report

Reported of Committee adopted.

Third Reading

HON NICK GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [9.41 pm]: I move -

That the Bill be now read a third time.

HON PETER FOSS (East Metropolitan) [9.42 pm]: I am sad to say that nothing happened during the committee stage of the Bill to make it more acceptable, not even in the minor edges of insignificant detail where one might have expected the Government to make some concessions. The Government has dealt with this Bill in its typical high-handed manner - I am referring to the minister in the other place rather than the Minister for Racing and Gaming. I accept that the Minister for Racing and Gaming has been his usual courteous self; however, he is not a free agent. The high-handed manner of this Government is clearly seen in the way in which a minister in the other place lightly dismissed the matters that were properly considered in this House, which is not an unusual occurrence.

This legislation is ill-conceived. It is flawed from the beginning because of the strange definition that has been put in the Interpretation Act. The legislation deals with an area that should have been capably handled with some agreement. However, it was done in a way that led to conflict. The Government wants to cause angst and anxiety among certain parts of society. It seems to delight in offending people's sensibilities. So be it. I am sure that in the future, the people will indicate that they have those sensibilities. That is the way this Government likes to operate. This is a typical example of the way this Government has legislated. I am disappointed that a matter that could have had a considerable degree of agreement and could have enjoyed a certain amount of support has failed to get that agreement and support. If that is the way the Government wants to conduct itself, so be it. However, it cannot expect us to support it. We will oppose the third reading stage and divide.

HON FRANK HOUGH (Agricultural) [9.45 pm]: One Nation totally opposes the Family Court Amendment Bill. I find it disappointing that in my first year in this Parliament I have seen Bills put through by the use of what I suppose we could call marshmallow thuggery -

Hon Ljiljanna Ravlich: That is a contradiction in terms!

Hon FRANK HOUGH: I would say that in using those words I am right on the mark.

Hon Nick Griffiths: If this was the Legislative Assembly that would be considered unparliamentary language!

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon FRANK HOUGH: Thank you, Mr Deputy President, because the marshmallow thuggery is coming out again, and I will have to go to the Department of Consumer and Employment Protection if they continue to carry on like that.

In the year or so that I have been a member of this Parliament, members of the Government must have felt their stomachs turn when they voted for some of these Bills. However, I guess Caucus tells them what to do. I do not know how many government members are in Caucus, but even if a member were to win a vote by one in Caucus, outside of Caucus the vote has to be 100 per cent. Therefore, one never knows what the real vote is. Hon Ljiljanna Ravlich can screw up her nose, but at the end of the day there has to be give and take. My experience of the Labor Party is that it is all take. There has not been one bit of give in the time I have been in this place. The Clayton's charade that the Labor Party has put up on every one of these Bills is absolutely rubbish, yet we tolerate it and debate these Bills anyway. I do not know why we take part in this Clayton's charade, but ultimately 16 beats 15, or 15 beats 13. That is why I am disappointed. This Bill and many other Bills should never have come to this place. If they had gone to a citizens initiated referendum they would have been crumpled up and thrown back in the Government's face, and it would have been embarrassed. However, we have had to sit here and tolerate it. My family and friends have asked me how can I be involved in the rubbish that has been dished up to me. I have said that we are in opposition, and 16 beats 15 and we have to accept it. When I was a kid I hated sago, pumpkin and tripe, but I had to eat it because that was what I was given. Talk about the tripe that I have been given since I have been in this place! The reason I stopped eating tripe was that it made my hair curl. As members can see, since I have been in this place I have been given so much tripe that my hair is starting to curl again! The rubbish and tripe that we have had to put up with has been so hard to swallow that I have had indigestion. Tonight I have indigestion again. One Nation totally and utterly opposes this Bill.

Question put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon Adele Farina	Hon Louise Pratt	Hon Tom Stephens
Hon Robin Chapple	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Ed Dermer	Hon Nick Griffiths	Hon Jim Scott	Hon Kate Doust (<i>Teller</i>)
Hon Sue Ellery	Hon Dee Margetts	Hon Christine Sharp	

Noes (12)

Hon George Cash	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Robyn McSweeney	Hon Derrick Tomlinson
Hon John Fischer	Hon Frank Hough	Hon Norman Moore	Hon Bruce Donaldson (<i>Teller</i>)

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural - Leader of the House) [9.53 pm]: Before I move the adjournment, to help members in their planning for tomorrow, the order of legislation I propose for tomorrow is orders of the day 13, 9, 10 and then 12. I move -

That the House do now adjourn.

Abolition of Preliminary Hearings - Adjournment Debate

HON BARRY HOUSE (South West) [9.53 pm]: I certainly do not intend to keep the House very long, but I want to bring a small matter to the attention of members. On Monday I received a fax from a lady from Leschenault who obviously has some concerns about the passage of a piece of legislation. I will read a couple of sentences from the fax. She wrote -

In March this year, Attorney-General Jim McGinty introduced legislation to abolish preliminary hearings.

That legislation has passed through the Legislative Assembly but has stalled in the Legislative Council.

The fact that this important piece of legislation should endure such a significant hold-up is a disservice to victims of crime.

Then she went on and urged my support for the Bill by saying -

It is my hope you will then do all you can to speed this legislation through.

I phoned the lady and left a message on her answering machine explaining very gently and accurately to her what the process was in the Parliament - Bills proceeding through both Houses of Parliament - and that the priorities were attached by the Government. It was in the Government's hands to attach a priority to this piece of legislation. I explained that the Opposition supported the legislation and was very keen to see it pass through the Parliament as soon as it was brought on for debate. There was certainly no suggestion that the legislation was being held up by the Opposition, and we were very keen to see it brought on.

I received a fax back to my office today, from the same lady, which read -

Thank you for responding so promptly to my fax of 9/9/02 regarding preliminary hearings.

I was sorry I was not at home to take your call.

This is the interesting sentence -

It would seem that information given to me by Bunbury MLA Tony Dean was not so transparent as I had believed.

The member for Bunbury is very transparent. I have risen very briefly to urge the member for Bunbury to get his facts right, and stop trying to make mischief in the electorate by spreading information that has no factual basis. That is all I wanted to do - to bring to the notice of the House this very important matter. The legislation is important and the Opposition is keen to support it as soon as the Government brings it on. The Government is in power, and drives the agenda. If opposition members were easily upset, they could take exception to the fact that the member for Bunbury was implying that we were holding the legislation up. This is a gentle reminder to the member for Bunbury not to be too smart by half. Sometimes it comes back to bite.

Newdegate and Dowerin Field Days - Adjournment Debate

HON FRANK HOUGH (Agricultural) [9.57 pm]: Last week and the week before, I spent two days at the Newdegate field day and three days at the Dowerin field day, where I had a stand. I had a series of nine questions, which I, and a couple of staff members, asked people passing the stand. There was no preselection; we just stopped people as they came past the stand. Some of the questions related to the reintroduction of capital punishment for heinous crimes, the introduction of corporal punishment, genetically modified organisms, the price of water, increasing the price of fuel in the metropolitan area to subsidise rural Western Australia, the abolition of means testing for age pensioners, the abolition of up-front fees for university education, the return of illegal immigrants, and stem cell research. I will not go through the other questions, because I only have eight minutes and 58 seconds left.

A couple of surprising results were the responses to the question on the introduction of the death penalty. In Newdegate, the yes answer to that question was 86.6 per cent; no, 5.9 per cent; and undecided, 7.5 per cent. The undecided would mostly have been on the yes side, which would have pushed that side into the 90-odd per cent range.

Hon Christine Sharp: How many people did you actually ask?

Hon FRANK HOUGH: Several hundred. We have them all recorded if anyone needs to see them. All the forms are available for viewing. It is something that would be new to the Labor Party. The Government should ask people what they want. I was surprised that the proportion of people supporting corporal punishment dropped down to 83.1 per cent yes, 9.2 per cent no and 7.7 per cent undecided. At Newdegate, the figures were different, because there was a larger percentage of country people. Therefore, a few cream puffs appeared in the survey. However, in Dowerin 77.8 per cent said yes, 14.6 per cent said no and 7.6 per cent were undecided. In Dowerin in answer to a question about the birch for corporal punishment, 78.5 per cent said yes, 13.8 per cent said no and 7.7 per cent were undecided. Amortising those two sets of figures, the figure for introduction of the death penalty was close to 80 per cent. That was amazing and I was surprised at that figure. The survey had a comments section and if honourable members read them they will see that this was not a contrived, pre-prepared form with which one could log onto groups of people on radio or television and make up the answers. This survey was undertaken standing at the coalface, asking people to answer questions and make comments. Some comments under the law and order section suggested the death penalty for paedophiles, harsher penalties for all crime, Australia tolerates too much crime, young people should face the consequences of their crime, ex-partners should be made more accountable for child maintenance paid by fathers and that money was spent by mothers on themselves instead of their kids.

Several members interjected.

Hon FRANK HOUGH: The Greens (WA) members opposite can laugh. They would not know what it is like to talk to people. They stand in their tutus in their little green fairyland pirouetting around. They would not know what is going on in the community. At least I spent time in the field talking to people. Do they know what people look like? Do they know how to approach people? When the people surveyed continually said, "Hang them all and you will get the

guilty”, I thought I should look for a greenie because I should get a no in the survey. I then selected a person with funny clothes and a beard and thought I had a greenie. I said to him, “Mr Greenie, will you fill this in?” I was shocked when Mr Greenie selected yes for the death penalty and yes for corporal punishment. I therefore went to a fellow in a suit, thinking he was from the city and would feel differently. I tried so much to appease the Greens and the Labor Party.

Hon John Fischer: He tried to get a normal green but couldn't find one anywhere.

Hon FRANK HOUGH: There were no trees there and we could not find any greens; we looked up and there were none hanging anywhere. Talking to people is something the green movement should do. The Greens would enjoy saying to them, “Sir, Madam, how do you feel about this item here? For instance, should Western Australians pay more for water in the light of the current situation?” When that question was asked in Dowerin, 36.5 per cent said yes, 55.6 per cent said no and 7.9 per cent were undecided. Ironically, in Dowerin, 54.5 per cent said no versus 55 per cent who said yes in Newdegate, which is therefore a one per cent difference between Dowerin and Newdegate. I knew that the bleeding heart choir on the other side of this Chamber would start singing stupid verses to me; I have therefore kept all the paperwork on the survey's results which I will make available for them to go through.

Hon Kim Chance: I want to hear the one on genetically modified crops.

Hon FRANK HOUGH: That is an interesting one, minister. In answer to a question on GM crops, 12.1 per cent at Newdegate said yes and 56.1 per cent were undecided.

Hon Adele Farina: What was the question?

Hon FRANK HOUGH: The question was: do you agree with the introduction of genetically modified crops and food? In Newdegate 12.1 per cent said yes, 56.1 per cent said no and 31.8 per cent were undecided, which indicates that at this stage many people know nothing about it. I return to Dowerin, which was different and surprising. To the same question in Dowerin on GM crops and food, 29.6 per cent said yes - basically double the figure in Newdegate - but ironically 52 per cent said no and 18.4 per cent were undecided. I will thrill members with the rest of the results of the survey on genetically modified crops tomorrow night. It is so intricate that I want members to understand and be enlightened about what is going on outside the Parliament, which will help the Labor Party.

The response of some people to stem cell research was also very indifferent. A lot of people did not know what we were talking about when we mentioned GMOs. I had to go to great extremes to explain it. The issue of capital punishment or the death penalty for heinous crimes posed no problem; I just picked up my tie and said that this is what it is and people understood what I was talking about.

Some people also had no problem with the issue of corporal punishment. I was surprised that the result of the survey on corporal punishment was one or two per cent lower than that for the death penalty. The three women who conducted the survey with me were more well versed and open than I. We got quite a number of yeses and I was getting a little concerned. I thought that if I took this survey to Parliament, no-one would believe me. At that stage of the survey I thought I had a problem, because I knew that members of Parliament would not believe me, so I was desperate to find people to answer no so that it was more believable. I will not tell members what the results were for the immediate return of illegal immigrants; I will thrill them with that tomorrow night. They will have to wait for those results.

At the bottom of the survey form people were asked for the suburb they lived in. If they lived in Dowerin, Badgingarra, Claremont or Nedlands, there was provision for that. Surprisingly, in Dowerin, the response to that question was 53.5 per cent country and 47 per cent city. However, the mix in Newdegate was totally different. About 77 or 78 per cent were from the country versus 23 per cent from the city.

In Newdegate, the results of the survey on much stiffer penalties were much higher. Dowerin has a good cross-section of people; it attracts a lot of city folk. I will thrill members with the rest of the results of the survey over the next couple of nights. I hope members take them on board.

Terrorist Attacks, September 11, 2001 - Adjournment Debate

HON CHRISTINE SHARP (South West) [10.07 pm]: On a very different note, today is September 11, as if that fact could have escaped anyone's attention. It has been an opportunity for us all to concentrate on what the horrific events that took place on this day last year mean to everyone on this planet. I guess we have all thought about it in very different ways. However, perhaps some universal questions arise for us all. Perhaps the most universal question is why it happened. What was the cause of such political frustration that would lead people to such acts of extreme violence, suicide, death and destruction?

Another theme that would arise for everybody in considering the events of last year is the relationship of the current situation in international politics to the situation in Iraq, as well as the importance of the lesson we should learn from the events of September 11 and the need for peace, tolerance and compassion in this world. We must remember that on September 11 last year, not only were those people in New York killed but also, according to the United Nations, some 24 000 other people in the world died from starvation. Every day since September 11 last year, 24 000 people have died from starvation. On 1 September, during the two-week recess, I organised a gathering at the Origins Centre in my

home town of Balingup, which was built last year in the Buddhist tradition. A peace pagoda is a traditional building that has been used for thousands of years by many different cultures to symbolise peace. There is much discussion about war with Iraq and justification for pre-emptive strikes on that country. It seemed important to give people who do not subscribe to the view that a pre-emptive strike can be justified and who acknowledge that a first strike is against international law and not recognised as a legitimate means of self-defence an opportunity to come together. The majority of people have a great sense of dread about the statements we hear in the media, particularly by the United States Government but also by the leaders of our national Government. At the beautiful little centre in Balingup on 1 September, I made a commitment that I would read out for members in the Parliament the words that people at that gathering felt were important for instilling peace in our hearts and the world. The general theme was that peaceful hearts, families and relations with one another are essential for world peace. The people from various towns in the south west who gathered at the pagoda were invited to contribute a few words to the theme of peace. I made a commitment that I would read those words to the House on the anniversary of September 11.

The words are: mature relations; peaceful relations; rejoicing; peace; God's breath; connection; cooperation and care; respect; refuge; happy to be vulnerable; peace everywhere; laughter and joy; patience and tolerance for our differences; humanity is one; peace for the children of the world; compassion and respect; commitment, "make me a channel of your peace"; oneness with the universe; being quiet; consideration of others; friendship; peace, love, sharing, ahimsa; the wind reminded me of laughter and joy; drastically improve access to legal representation for people on low incomes; may the wilderness remain to heal us; grace; hearts; atonement; love; oneness; harmony; us all; righteousness; justice; help others; integrity; relax; generosity; friends; courage; humour; invest; and hearts. That was the list of words that people contributed at the gathering in Balingup on 1 September. I hope that it helps all of us in this House to feel heartened that so many people in the community have profound concern about the dialogue we hear at the moment. People are concerned that Australia should remain at peace with all countries and that we should not go down the path being discussed of war with Iraq. I, for one, feel enormously heartened that other people have the same concern. I hope some members draw strength from the fact that the majority of people have an absolute abhorrence for war.

Question put and passed.

House adjourned at 10.16 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HARRIS RIVER DAM, ALLOCATION OF WATER

5. Hon Christine Sharp to the Minister for Government Enterprises

In relation to Water Corporation's allocation of Harris River Dam water -

- (1) How much water is supplied to industry?
- (2) To which companies?
- (3) For what purposes?
- (4) At what rate is industry charged for the water supplied?

Hon NICK GRIFFITHS replied:

- (1) A range of industries, many of a small nature, are served from the Harris River Dam. These industries are located throughout the Great Southern Towns Water Supply Scheme (GSTWS), as well as those served off the Stirling Trunk Main that has received a portion of the Harris River Dam allocation. Only two major industrial users supplied from the Harris River Dam in 2001/02 and received a total of 1.75 gigalitres namely.

Western Power	-	.75 gigalitres
Worsley Alumina Pty Ltd	-	1 gigalitre

- (2) Western Power was provided water for process purposes for its Muja and Collie power stations. This is an interim arrangement to reduce groundwater extraction by Western Power. Worsley sought a one-off supply of water for drought relief following the extremely low rainfall and runoff in 2001.
- (3) Industry/Commercial can be charged as per the Water Corporation's by-laws. There are two tiers:-
 - (1) 0-300 Kilolitres used is charged at 78.4cents per kilolitre
 - (2) Over 300 kilolitres used is charged at 136.9 cents per kilolitre

Additionally there are individual special agreements between the Water Corporation and major Commercial/Industrial Industries. In those cases charges vary between the different special agreements.

ATLAS WASTE, WEIGHBRIDGE DOCKETS FOR WASTE DELIVERY TO TAMALA PARK LANDFILL

7. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Will the Minister table all weighbridge dockets for waste delivery by Atlas to the Tamala Park land fill from the City of Stirling recycling facility on May 14 2002?
- (2) If not, why not?

Hon TOM STEPHENS replied:

- (1) Yes. I now table the weighbridge dockets. [See paper No 187.]
- (2) Not applicable.

GLOBAL OLIVINE WASTE TO ENERGY PLANT, KWINANA

9. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Has the Department of Environmental Protection ever had any discussions or correspondence with the proponents of the Global Olivine waste to energy plant proposed for Kwinana on the possibility of a joint venture with the proponents once it has secured a waste stream?
- (2) If yes, what were the details of any proposals and will the Minister table any of those proposals?

Hon TOM STEPHENS replied:

- (1) No. There have been no discussions of this type with the proponents of the Global Olivine waste to energy plant.
- (2) Not Applicable.

SOUTH BEACH URBAN REDEVELOPMENT, SOUTH FREMANTLE, HEAVY METAL CONTAMINANTS
CLEAN-UP

10. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

In relation to the proposed South Beach urban re-development in South Fremantle and the report by Alan Tingay and Associates, Summary of Soil Investigation at ANI Bradken Foundry Site, Fremantle and Proposed Remediation Strategy, August 1998 -

Whose responsibility is it to clean-up or remediate the heavy metal contaminants found to be above ANZECC Investigative Guidelines in the sand dune adjacent to the re-development site?

Hon TOM STEPHENS replied:

The developer of the proposed urban re-development program for South Fremantle, SouthBeach Pty Ltd, is the current owner of the former ANI Bradken Foundry site. This is the party the DEP considers to be responsible for addressing, remediating and/or managing onsite and offsite contamination associated with the operations of the former foundry, where deemed necessary from an environmental and/or human health perspective.

BEENUP MINERAL SANDS MINE, ACID SULPHATE GROUND WATER PLUME

11. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Has the DEP been monitoring the acid sulphate groundwater plume around the former Beenup mineral sands mine?
- (2) If yes, what is the extent of the acid sulphate groundwater plume?
- (3) How far is the acid sulphate groundwater plume from the Scott River?
- (4) Will the Minister table the latest monitoring results from the acid sulphate groundwater plume from the former minesite?

Hon TOM STEPHENS replied:

- (1) The DEP does not do monitoring on behalf of proponents of proposals. However, conditions set by the Minister for the Environment and Heritage in Ministerial Statements may require such monitoring by a proponent if so recommended by the EPA or if determined necessary by the Minister. Conditions 4 of Statement 434, issued to BHP Titanium Minerals Pty Ltd on 22 November 1996, requires the development and implementation of an extensive Groundwater Monitoring Programme. The Monitoring programme now in place was developed in consultation with the DEP and the Waters and Rivers Commission.

As part of the closure and rehabilitation of the Beenup mine, BHP Billiton developed a groundwater management strategy in consultation with the DEP and the Water and Rivers Commission. This strategy outlines the progressive management approach being implemented by BHP Billiton to address this groundwater issue. The groundwater management strategy is reported on annually.

- (2) The acid sulphate plume emanating from the Trial Mine comprised of the Trial Pit and the Bulk Sample area, covers an area of approximately 23 hectares. The extent of the plume is accurately described in the June 2000 BHP Minerals - Beenup Mine Closure Annual Environmental Report (Sect 7.1.3 and Appendix 8), which is a public document.
- (3) The sulphate plume emanating from the former Bulk Sample area is approximately 1.5km from the Scott River, as determined from the groundwater monitoring program. Modelling predictions conducted, as part of the BHP Billiton Beenup groundwater management strategy, estimate that this plume will take approximately 150 years to intercept the Scott River .
- (4) The documents containing the most recently available monitoring results are in the public domain. I now table a copy of the 'Audit of Progress Towards Closure and Rehabilitation of BHP Billiton's Beenup Minesite' prepared by the Beenup Consultative Group. [See paper No 188.]

In addition, a groundwater monitoring review conducted by consultants for the Beenup Mine was submitted to the DEP in July 2001 and is available from the BHP Billiton's Beenup Operation.

JANGARDUP MINERAL SANDS MINE, REVEGETATION

12. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

In relation to revegetation by Cable Sands at the Jangardup mineral sands mine -

- (1) Will the Minister table an original flora species list of the State Forest area before mining commenced?
- (2) Will the Minister table an original flora species list of the excised portion of the D'Entrecasteaux National Park area before mining commenced?
- (3) What herbicides does Cable Sands use as part of the revegetation program at -
 - (a) the State Forest area; and
 - (b) the excised portion of the D'Entrecasteaux National Park?
- (4) Will the Minister table all the revegetation site inspections, revegetation audits and current established flora species list for the State Forest area and the excised portion of the D'Entrecasteaux National Park?

Hon TOM STEPHENS replied:

- (1) The original flora species list for the state forest prior to mining is available in the Environmental Review and Management Program. I now table the original flora species list. [See paper No 189.]
- (2) The original flora species list for the excised portion of the D'Entrecasteaux National Park prior to mining was included in the list for the Environmental Review and Management Program.
- (3) (a & b) Cable Sands has advised that it does not use herbicides on a broad scale in either the State Forest of the excised portion of the D'Entrecasteaux National Park. Spot spraying in the State Forest using Roundup Bioactive has occurred to control local weed outbreaks as per the rehabilitation plan.
- (4) The Department of Conservation and Land Management and the Department of Environmental Protection throughout the life of the project have conducted inspections and assessments of rehabilitation. Rehabilitation inspections are also listed in the Cable Sands Annual Environmental Reviews for the Jangardup mine. The information from the inspections and assessments is too numerous to table but, by arrangement, are publicly available from the Department of Environmental Protection and the Department of Conservation and Land Management.

JANGARDUP MINERAL SANDS MINE, FLOCCULANT USE

13. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

In relation to the flocculant currently being trailed by Cable Sands at its Jangardup mineral sands mine -

- (1) What is the flocculant being trailed?
- (2) What are the constituents of the flocculant?
- (3) What compounds does the flocculant degrade into?
- (4) Does the presence of acid sulphate soils have any special reaction or effect with the flocculant being used by Cable Sands?
- (5) How much flocculant has been used at the Jangardup mine site to date?
- (6) Is the flocculant being used by Cable Sands at Jangardup the same type it proposes to use at the proposed Ludlow mineral sands mine?

Hon TOM STEPHENS replied:

- (1) There are no flocculant trials at the Jangardup Mine. The same flocculant has been used since the beginning of operations.
- (2) The flocculant used is NALCO 98AUS047. The constituents of the flocculant are listed in the Material Safety Data Sheet. I now table the Material Safety Data Sheet for NALCO 98AUS047. Aluminium sulphate has also been used as a flocculant for water supplies. [See paper No 190.]
- (3) The flocculant breaks down into acrylamide and acrylic acid.
- (4) The effectiveness of the flocculant is pH dependant. However, no indications of poor performance of the flocculant have been detected, suggesting that low pH and increased sulphate concentrations in the groundwater are not affecting the flocculant performance.
- (5) The application rate of the flocculant is 1-1.5kg per dry tonne of clay fines. The total volume of flocculant used to date at the Jangardup Mine is unknown at this stage, however Cable Sands have been requested to compile this information and provide it to the DEP.
- (6) It is expected that the same flocculant will be used for the proposed Ludlow mine.

DEPARTMENT OF ENVIRONMENT, WATER AND CATCHMENT PROTECTION, REVIEW

14. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage
- (1) Has the Minister been made aware of the causes of the regulatory failures documented in 'The Environmental Audit and Review of Cockburn Cement Ltd', and in 'Volume Two of the Inquiry Report into the Waste Control Fire in Bellevue?
 - (2) What steps will the Minister take to address these failures and to protect communities and the environment from harmful industrial emission sources?
 - (3) Will the Minister establish an independent review of the DEWCP's -
 - (a) licensing procedures;
 - (b) audit and monitoring procedures including industry self assessments;
 - (c) the level and scope of technical competency of staff;
 - (d) adequacy of resources to fulfil DEWCP's regulatory duties; and
 - (e) staff morale?
 - (4) If not, what action will the Minister take to improve the performance of DEWCP?

Hon TOM STEPHENS replied:

- (1) The Minister has been briefed on the findings of both the audit report and the Bellevue fire inquiry.
- (2) The Directors General of several Government departments are coordinating the Government's response to the Bellevue fire inquiry. The Minister will report back to Parliament on actions in response to the inquiry by the end of next month. In relation to the Cockburn Cement licence audit, the department has already initiated actions to address the findings of the audit both in the case of the licence and the overall licensing system.
- (3)
 - (a) The department has already commenced an internal review of the implications of the audit findings and is also moving to appoint an independent consultant to review relevant aspects of the licensing system.
 - (b) answered by (a).
 - (c) answered by (a).
 - (d) answered by (a).
 - (e) Staff morale is not a component of the review being initiated, but is an issue that departmental management considers in all its dealings.
- (4) Not applicable.

BRICKWORKS INDUSTRY, MONITORING OF STACK EMISSIONS

15. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage
- (1) What is the status of the DEP review of the Brickwork Industry in Western Australia? Please detail.
 - (2) Is it true that the Western Australian Brickwork Industry have devised their own monitoring method, the U-tube method, to measure stack emissions from their plants?
 - (3) Is it true that Western Australia is the only State in Australia to allow Brickworks to use this method?
 - (4) Is it true that the U-tube method can underestimate brickwork stack emissions by up to 50 per cent?
 - (5) Given the degree of discrepancy in Western Australian Brickwork monitoring, can the Minister ensure that stack emissions from the Brickwork Industry are at acceptable levels for the protection of the environment and public health?

Hon TOM STEPHENS replied:

- (1) The review has recently commenced. An interim report was prepared by the DEP in September 2000 and the review is actioning the recommendations of this report. A final report is expected around the end of the year.
- (2) No. The U-tube method was developed by the DEP for measuring ambient hydrogen fluoride and is an Australian Standard method (AS3580.13.3).
- (3) No. The Victorian EPA recognises this method.
- (4) No. The U-tube method measures ambient hydrogen fluoride not stack emissions. However, it is acknowledged different sampling methodologies may create variation in hydrogen-fluoride assessments.

- (5) The DEP has received complaints about brickwork emissions at various times. All investigations to date have shown emissions are below relevant health guidelines. However, the DEP takes such complaints seriously and continues to investigate the potential impact of brickwork emissions on the locality and evaluate any new information that comes to light. The DEP has recently allocated additional specialist resources to a review of brickwork emissions, including stakeholder consultation.

HERITAGE OF WESTERN AUSTRALIA ACT 1990, REVIEW

35. Hon Giz Watson to the Minister for Housing and Works representing the Minister for the Environment and Heritage

Regarding proposals to review or amend the *Heritage of Western Australia Act 1990* -

- (1) Is the Minister intending to review the current *Heritage of Western Australia Act*?
- (2) If not, why not?
- (3) When will the Minister be initiating the review referred to in (1)?
- (4) If the answer to (3) is not a specific date, can the Minister confirm that the review will begin before the end of the 2002 calendar year?
- (5) If not, why not?
- (6) What bodies, departments, councils or organisations, both Government and non-Government, will be involved in the review referred to in (1)?
- (7) Is the Minister aware of concerns with the current Act?
- (8) What are the concerns referred to in (7)?
- (9) How will the concerns referred to in (7) be addressed?
- (10) If yes to (1), when will amendments, or a new Act, be introduced into Parliament?
- (11) Will any amendments or new Act address issues of describing, defining or otherwise including 'natural heritage' values?
- (12) If yes to (11), how will this be addressed, and will this include protection of these values?
- (13) If no to (11), why not?
- (14) If no to (11), will this be addressed at a later date?
- (15) If so, when?

Hon TOM STEPHENS replied:

- (1) I plan to replace the Heritage of Western Australia Act 1990 with a new piece of legislation.
- (2) Not applicable (as per my previous answer).
- (3) The principles of the new legislation have already been established, based on the content of the Heritage Bill 2000, and the Government's heritage policy as enunciated at the last election. I plan to progress the drafting of the new legislation in the near future, now that I have Cabinet approval to proceed.
- (4) I expect that the drafting of a new bill will commence this year.
- (5) Not applicable.
- (6) A range of Government and non-government organisations will be consulted in the drafting process. On the Government side, they will include the Heritage Council, Department of Housing and Works, Department of Planning and Infrastructure, Department of Minerals and Petroleum Resources, and the Sea Freight Council. On the non-government side, they will include the WA Local Government Association, the National Trust, the Royal WA Historical Association, the Property Council, and possibly some other relevant groups, such as the Real Estate Institute, Institute of Architects, the Planning Institute, the Real Estate Institute, and the Institute of Valuers. A detailed consultation plan has not yet been drawn up, but that will be done soon.
- (7) The shortcomings in the current Act have been well known for a number of years. There have been concerns in various circles over those shortcomings.
- (8) There are too many issues to itemise every one individually, but some of the most important issues include:
 - i. The lack of legibility in the current Act;
 - ii. A convoluted registration process which has impeded establishment of a comprehensive Register;
 - iii. Weaknesses in the works-approval system for alteration of registered places;

- iv. A lack of clarity in the provisions regarding Municipal Inventories;
 - v. The lack of repair order provisions to address the wilful neglect of registered places;
 - vi. The lack of suitable penalties for damaging or destroying registered places.
 - vii. Crown-owned places treated differently to other places.
- (9) Most of the concerns I've mentioned will be directly addressed by improvements in the heritage legislation.
- (10) I cannot give a definitive answer to that question, given some of the uncertainties involved, such as the availability of the Parliamentary Draftsman; the progress of other items in the Government's legislative program; the cost implications of some of the new provisions; and issues that may be thrown up in the consultation process.
- However I certainly hope that it will be possible to introduce a bill to Parliament in the first half of 2003.
- (11) No, the current legislation is about the protection of cultural heritage, and the new legislation will have the same scope.
- (12) Not applicable.
- (13) The reality of this issue was summed up in the Review of the Heritage of Western Australia Act 1996, commissioned by the then Minister for Heritage. The review was conducted by Mr Peter James who is recognised as one of the leading authorities on heritage legislation in Australia. He said in his report, and I quote:

'Historically in Australia there has been a division between the legislation which controls, and the bureaucracies which administer, the historic cultural heritage, the Aboriginal cultural heritage, the non-Aboriginal moveable cultural heritage, and other aspects of culture such as folklore, not to mention the natural environment. If one were starting afresh in 1995 without any of the present administrations and without any of the legacies of the past, a bringing together of some or all of these categories would be a major objective.

Professional expertise has become greater, more diverse, and more specialised over the last twenty years, and the gathering together of very diverse specialities, albeit all within the conservation umbrella, is not considered cost effective or practical'.

In recent years, some community-based heritage bodies have lobbied Governments to introduce legislation to that covers all heritage environments, encompassing historic natural, aboriginal and moveable. The Australian Council of National Trusts has been at the forefront of the lobbying on this issue.

The argument for all-encompassing legislation is that "heritage" in its pure form has no boundaries. While this is perhaps true, the practical realities of drawing together a complex field of departments, programs, legislation and stakeholder interests has proven impractical.

A survey of the present position across Australia reveals that this goal, while arguably a worthwhile one in some respects, has not been put into practice by State Governments.

You would also be aware that the 2001 Machinery of Government review did not recommend consolidation of the heritage-protection functions that are presently discharged by separate agencies.

- (14) There currently are no plans to address this at a later date, for the reasons outlined in the answer to the previous question.
- (15) Not applicable.

JANGARDUP MINERAL SANDS MINE, FLOCCULANT USE

41. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

In relation to Cable Sands use of flocculant in the co-disposal bores at its Jangardup mineral sands mine, *Cable Sands' Hydrological Review*, September 2000 - October 2001, page 26, notes that despite very high levels of hydrocarbon contamination at some of the co-disposal bores the contamination is likely to be grease from drilling rods -

- (1) Is the Minister aware that the hydrocarbon contamination was of the C-15 to C-36 hydrocarbon range consistent with volatile hydrocarbon compounds not greases as is claimed by Cable Sands?
- (2) Is the Minister concerned that hydrocarbon levels of between 21 and 89 mg/L were found in some bores?
- (3) If yes, what action has the Minister taken on this pollution?
- (4) Did the DEP accept Cable Sands position that the hydrocarbon contamination was likely to be grease?

- (5) Will the Minister table any correspondence between DEP officers and Cable Sands on this contamination matter?
- (6) Has the Minister requested the DEP to investigate the causes of this hydrocarbon contamination of the groundwater?
- (7) Has the Minister requested an independent investigation into the causes of this hydrocarbon contamination of the groundwater?
- (8) If yes to either question (4) or (5), will the Minister table a copy of that investigation?
- (9) If not, why not?
- (10) Is the Minister concerned that if similar hydrocarbon contamination occurred at the proposed mine next to Lake Jasper contamination of the wetlands could occur?

Hon TOM STEPHENS replied:

- (1) Diesel typically has a Carbon length between 12 and 18, whilst lubricating oils have a carbon length above 18. Hydrocarbons detected in Bores COD3A and B have a carbon length between 15 to 36, indicating lubricating oils and greases. Accordingly, Cables Sands' reasonably states that the contamination in the bore is most likely being grease from the drilling rods during construction.
Further, it is likely any breakdown products from the use of flocculant in co-disposal activities would first show up within the dredge pond where flocculants are used. Monitoring results do not show this. In addition, Bores COD3A and B are up hydraulic gradient (or upstream) of the dredge pond and groundwater would be flowing from the contaminated bore to the dredge pond, and not the other way around.
- (2) Although the oil and grease level is slightly elevated, the Minister considers that it does not pose an environmental risk. The Department of Environmental Protection believes that the hydrocarbon contamination will break down naturally through soil microbial action.
- (3) The Department of Environmental Protection and Cable Sands will monitor this bore closely over the next 12 months. It is expected the hydrocarbon contamination measured in the bore will gradually decrease as soil microbial action breaks down the contamination. Monitoring results over the following 12 months will be used to confirm this, or revisit the current assumptions.
- (4) Yes, based on the make-up of the hydrocarbon, the bore being up-gradient of the dredge pond and the levels of hydrocarbons in the dredge pond.
- (5) Yes. I now table a letter from the Department of Environmental Protection assessing the 2001 Annual Environmental Reports. [See paper No 191.]
- (6) No, the Minister does not believe an investigation is warranted given the above information.
- (7) No, the Minister does not believe an investigation is warranted given the above information.
- (8) Not applicable.
- (9) As the available information indicates contamination by an activity unrelated to co-disposal, on-going assessment by the Department of Environmental Protection, the breakdown of the material through soil microbial action and a plausible reason for the higher concentration provided by Cable Sands.
- (10) No. The current contamination is not impacting on water quality within the existing dredge pond some 100 metres away, so it is reasonable to believe that a similar bore hole event near Lake Jasper would have no effect on the lake.

SHIRE OF WYNDHAM-EAST KIMBERLEY, TOWN RESERVES

53. Hon George Cash to the Minister for Housing and Works
 - (1) Which Town Reserves exist within the Shire of Wyndham-East Kimberley?
 - (2) Are these Town Reserves levied for Local Authority rating purposes?
 - (3) If so, how much does each Reserve pay to the Local Authority?
 - (4) If not, what section of the *Local Government Act* or other Act provides the necessary relief?
 - (5) What is the Government's policy in respect to the normalisation of these Town Reserves?
 - (6) Who will pay the costs involved in the normalisation process?
 - (7) What compensation will be available to the Local Authority should it be required to expend funds in the normalisation process?

- (8) Once normalisation has occurred will the various created lots within the current Town Reserves be subject to Local Government rates?
- (9) If not, why not?
- (10) What is the timetable for this normalisation process?

Hon TOM STEPHENS replied:

In reference to the Honourable Member's question, it is assumed that by 'Town Reserves' he is referring to 'Aboriginal Town Reserves'. On that basis, I provide the following answer:

- (1) Town Reserves are generally located on Aboriginal reserves on the fringes of towns and are connected to, or have the capacity to be connected to, mainstream power and/or water and waste water schemes provided by the State utility authorities, Western Power and the Water Corporation.

The following Town Reserves exist within the Shire of Wyndham – East Kimberley:

Town	Reserve #	General Description	ALT Lessee/Occupier
Kununurra	26600	Mirima Speargrass Rd	Leased to Wirrjining Darwung Council Aboriginal Corporation
	31221	Kununurra Ironwood Drive	Portion occupied by Nulleywah community
	40260	Emu Creek	Leased to Gulgagulganeng Aboriginal Corporation
Wyndham	27020	Warrayu	Portion leased to Warrayu Aboriginal Corporation
	25238	Wyndham Nine Mile	Leased to Guda Guda Aboriginal Community Inc.

- (2) The Shire of Wyndham East Kimberley advises that rates are not levied on these Reserves.
- (3) N/A.
- (4) Under Section 6.26 of the Local Government Act 1995 these Reserves are considered “non rateable” as they are the property of the Crown and they are used or held for public purpose.
- (5) The State Government policy in respect of the normalisation or regularisation of Town Reserve communities is framed by the Agreement for the Provision of Essential Services to Indigenous Communities in Western Australia (the Essential Services Bilateral Agreement). The Agreement, was signed by the previous State Government, the Commonwealth Government and the Aboriginal and Torres Strait Islander Commission (ATSIC), on 18 October 2000.

The Agreement outlines the following policy for the delivery of essential services to town based Indigenous communities:

- § that power, water and waste water services provided by Western Power and the Water Corporation (or any other service provider) should equate to those provided to the residents of mainstream towns;
- § that communal power, water and waste water infrastructure should be managed and maintained by the respective utility authority;
- § that individual dwellings within these communities should be metered and that the payment of consumption and service charges should be the responsibility of the individual householder;
- § that the collection of fees and payments for services is the responsibility of the respective utility authority, which may enter into special collection arrangements in negotiation with individual communities; and
- § that costs associated with communal facilities and street lighting should be met by the relevant local government.

Under the Essential Services Bilateral Agreement the Commonwealth, ATSIC and the State Government agreed to:

- § provide capital funds to progressively upgrade town based community infrastructure to standards acceptable to Western Power and the Water Corporation or other relevant service provider;
- § provide funding for the installation of individual meters;
- § deliver culturally appropriate, energy efficiency and metering education programs for the residents of town based communities;
- § facilitate the granting of service easements under the Land Administration Act 1997, to provide guaranteed access to and ownership of essential service infrastructure to the relevant authorities;

§ consult with the residents of individual town based communities with regard to the implementation of this strategy and to negotiate future service delivery options; and

§ negotiate with local government regarding the management of communal facilities and street lighting.

(6) The State and Commonwealth governments jointly fund the normalisation process through the Town Reserves Regularisation Program (TRRP), which is administered by the Department of Housing and Works (DHW). The DHW and the Aboriginal and Torres Strait Islander Commission (ATSIC) will each contribute \$2.8m to the TRRP over three years, commencing 2002/2003.

(7) No funds are required under the TRRP to compensate Local Authorities for funds expended in the normalisation process.

Municipal services likely to be regularised under the TRRP include:

§ Ongoing maintenance of roads and drainage

§ Rubbish collection

§ Streetlighting – maintenance and power costs

Roads and Drainage

Local authorities are responsible for the maintenance of local public roads and associated road drainage. The Western Australian Local Government Grants Commission (LGCG) provides funding to local authorities for this purpose, through identified local road grants.

As a general principle, DHW will upgrade roads and drainage in Town Reserves to the local municipal standard and will negotiate with local governments for internal roads to be dedicated as public roads. Local authorities are responsible for all local public roads and associated road drainage systems, including those within regularised Town Reserves.

Local authorities are eligible for LGCG grant funds for this purpose.

DHW will seek the approval of the Aboriginal Lands Trust and the incorporated Aboriginal body to which the Town Reserve is leased, prior to commencing the road dedication process.

Rubbish Collection

Rubbish collection is normally provided by local authorities on a 'fee for service' basis.

Local authorities should, therefore, be able to recoup the cost of service provision from fees charged.

Streetlighting

Local authorities are responsible for all streetlighting located on local public road reserves. Where roads within Town Reserves are dedicated as local public roads, the local authority would be expected to assume responsibility for the maintenance and operating cost of streetlighting.

(8) No

(9) Section 6.26(2)(g) of the Local Government Act exempts land used exclusively for charitable purposes from land defined as being rateable.

The Supreme Court decision in the matter of the Shire of Ashburton -v- Bindi Bindi Community Aboriginal Corporation (Unreported SC Library No. [1999] WASC108), held that land is not rateable where it occupied by a charitable organisation and is being used for "a charitable purpose". The Supreme Court decision recognised that the advancement of Aboriginal people generally is a charitable purpose.

Town Reserves land is considered to be held for "a charitable purpose" by virtue of the Supreme Court ruling in the above matter and is therefore exempt from rates.

The exempt status of Town Reserves is not affected by the process of regularisation of essential and municipal services.

(10) The program is currently being piloted in eleven communities: Mirima, Nulleywah and Emu Creek (Kununurra), Guda Guda and Warrayu (Wyndham), Cheeditha (Roebourne), Nambi Road (Leonora), Mardiwah Loop, Lundja & Nicholson Camp (Halls Creek) and Parnpajinya (Newman).

The program will be extended in the current financial year to include the following Town Reserves in the West Kimberley

- Malingbar (Kularri)

- Nillir Irbanjin (Kularri)

- Karmulinunga (Malarabah)

- Kurnangki (Malarabah)
- Mindi Rardi (Malarabah)
- Junjuwa (Malarabah)

The initial phase of the project is the development of community layout plans and the creation of easements to facilitate appropriate and orderly development within the communities. This ensures that utilities have access to essential service infrastructure.

DHW has appointed town-planning consultant Connell Wagner P/L to prepare the layout plans at Mirima, Nulleywah, Emu Creek, Guda Guda, Warrayu, Lundja and Nicholson Camp. Plans are also being prepared for the Nambi Road, Mardiwah Loop and Parnpajinya communities.

The plans are being developed in consultation with the communities, the local municipal authorities and the power and water utilities. Where possible, the plans will be integrated into the local municipal town-planning scheme.

Following the planning phase of the pilot project, commencing 2003/2004, DHW will fund and coordinate the upgrade of capital infrastructure to a standard acceptable to the relevant local authority or utility. This will include individual metering and account management arrangements, upgrade of roads and drainage, power, water and wastewater services. Improved street lighting, communal facilities and rubbish removal is also included in the program.

GOLDEN MILE TROTTHING CLUB, NOTIFICATION FROM CITY OF KALGOORLIE-BOULDER

67. Hon Robin Chapple to the Minister for Local Government and Regional Development

I refer to Item 5.4, page 1612 of the Ordinary Council Meeting Minutes of October 15 2001 of the City of Kalgoorlie-Boulder -

- (1) Will the Minister confirm that the City of Kalgoorlie-Boulder Council provided written notification to the Golden Mile trotting Club to -
 - (a) cease the use and occupation of the TAB facility and stables at the Cruickshank Sports Arena; and
 - (b) remove all unauthorised structures,
 within 90 days of receipt of written notification, as per Council's resolution?
- (2) If yes, what was the date of the letter, and will the Minister table a copy of the letter?
- (3) If not, why not?
- (4) Will the Minister confirm the unauthorised structures have not yet been removed as per Council's resolution, and as of Saturday, June 15 2002 were still being used?
- (5) If yes, why have the unauthorised structures not been removed?
- (6) If yes to (4), will the Minister direct the City of Kalgoorlie-Boulder to enforce the written direction of the Council?

Hon TOM STEPHENS replied:

- (1) Responsibility for building control rests with each local government. As Minister for Local Government and Regional Development my involvement is limited to considering appeals against notices issued by local governments for buildings constructed without permission. As the buildings in question are within the City of Kalgoorlie-Boulder, I suggest that the Honourable Member direct the inquiry to that local government.
 - (2) I have no authority to direct the City of Kalgoorlie-Boulder to enforce the written direction of the Council.
-