



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Tuesday, 27 August 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

STATEMENT- BY THE PRESIDENT

Hansard Publication

THE PRESIDENT: Due to difficulties in the implementation of a new system, the publication of the weekly *Hansard* will be delayed for the next few weeks. In the meantime, copies of speeches and debates may be obtained from the Hansard office.

MOTION - No 1 WITHDRAWN FROM NOTICE PAPER

On motion, by leave, Hon Mark Nevill withdrew motion No 1.

**MOTION - SELECT COMMITTEE ON CONSERVATION AND LAND MANAGEMENT
AMENDMENT ACT REVIEW, APPOINTMENT**

HON J.A. SCOTT(South Metropolitan) [3.36 pm]: I move -

That a Select Committee of three members, any two of whom shall constitute a quorum, be appointed to inquire into and report on -

- (1) A review of Part 3 of the Conservation and Land Management Amendment Act 1993 (the Amendment Act), as recommended by the 23rd Report of the Standing Committee on Legislation (the Standing Committee).
- (2) Matters of concern raised in the 23rd Report associated with the cultivation and use of native flora and fauna and their genetic resources under the Amendment Act which the Standing Committee recommended for enquiry, including, but not limited to -
 - (a) whether the International Convention on Biodiversity is breached by the Amendment Act;
 - (b) the need to affirm national sovereignty over flora and fauna genetic materials under the International Convention on Biodiversity;
 - (c) the granting of exclusive licences for the use of genetic resources under the Amendment Act to multinational companies, or any other person, and the potential this poses for losing control of that genetic, economic and cultural resource to other nations or companies, and the potential for removing the rights of traditional use of such resources by Aboriginal people without adequate protection or consultation and contrary to the Commonwealth's Native Title Act 1994 and Racial Discrimination Act 1975;
 - (d) the lack of definition under the Amendment Act of the intellectual property rights of Aboriginal people who have traditional cultural use and knowledge of many flora and fauna genetic resources, and the handing over of such rights to multinational companies; and
 - (e) the possible conflict of interest of the Department of Conservation and Land Management (the Department) in negotiating financial contracts with private enterprise on issues of genetic resources which will raise funds for the department in resource areas where the same department is charged with conservation and management as a primary function.
- (3) A review, as recommended by the 28th Report of the Standing Committee, of Part IV, Division 1, of the Conservation and Land Management Act 1984 (the Act), as amended.
- (4) Whether the Amendment Act has the effect of restricting economic competition contrary to the national competition policy as considered in the Hilmer Report.
- (5) The potential for profits from the licensing, cultivation, and use of genetic resources being targeted to further research and development, species identification and vulnerability, and management and maintenance of the biodiversity of flora and fauna, with the precautionary principle being applied.
- (6) Whether the Act, as amended, provides sufficient legal basis for an extension of individual claims to control or ownership of discrete intrinsic properties of flora and fauna as species or genera.
- (7) The need to recognise a definition of intrinsic value of species and the maintenance of those species with no present discovered commercial value.

- (8) The legal implications of claims on intrinsic qualities of flora and fauna which have a natural range that includes other states or nations.
- (9) The absence of guidelines for specific treatment limits or scope of intellectual property claims, exclusive use agreements, or access agreements over flora or fauna in relation to their chemical, genetic, or biological composition.
- (10) The loss of intellectual property rights of the independent scientific community researching flora and fauna to the department and the Executive Director.
- (11) The failure of the Act to ensure the adequate protection of endangered species and to include overriding concern for conservation and land management.
- (12) The Committee have the power to send for persons, papers and records and to move from place to place.
- (13) The Committee report to the House not later than September 26, 1996, and if the House do then stand adjourned the Committee do deliver its report to the President who shall cause the same to be printed by authority of this Order.

This motion deals with the appointment of a select committee to consider amendments to the Conservation and Land Management Amendment Act that was passed in this House in 1993, but only after considerable debate had occurred and an agreement was reached that it be sent to a standing committee to consider some problems within it.

The Bill came to the House under considerable time pressure. I can recall staff of the Department of Conservation and Land Management going around this Parliament during a half hour break in the debate on the traditional usage Bill that was being dealt with at that time and lobbying members to pass the Bill quickly. In fact, the staff of CALM were telling people that unless we hurried up and pushed this Bill through we would lose.

Hon Doug Wenn: It was the CEO of CALM.

Hon J.A. SCOTT: Yes, he particularly was lobbying members.

Hon Doug Wenn: He was putting the heavies on people.

Hon J.A. SCOTT: The situation in this Parliament was fairly unusual because we had chief executive officers lobbying hard for members to push through the Bill. The speed was required because we stood to lose some \$500m in earnings if we did not quickly sign an agreement with Amrad Pharmaceuticals Pty Ltd, I believe it was. I think that we had to beat the National Cancer Institute of America in patenting the process surrounding conocurvone. This was shown subsequently not to be correct. In fact, the central patents for the extraction of matter from conocurvone were already taken up. It was very unfortunate that members came into this place having been deceived about the need for the urgency.

As members might be aware, I have sometimes particular concern about the actions of the CEO of CALM. The urgency involved here made me somewhat suspicious about the need for pushing this Bill through so quickly. When I examined the Bill, I found it was very small. The first part up to page 6 was retrospectively changing the sharefarming agreements and the legal position surrounding them. I had some concern about the way in which it was done but not about the matter in the first part of the Bill. My real concerns came when I looked at pages 6 to 8, because two pages and a paragraph were concerned with the control of the entire floral genetic stock of this State. I quickly did some research on this matter and found considerable concern about this Bill, not just for what it provided but also for what it failed to provide. I have tried to address those concerns in the words of the motion itself, which I will get to shortly.

When that Bill was rushed into Parliament I spoke on it at length. I am very pleased to say that Hon Norman Moore spoke to me regarding those concerns. He asked me what were my concerns about the Bill and said that if it were able to go through without a considerable waste of time, it would be sent to a committee of this House to be examined for any weaknesses. During that brief period of time I was able to contact many of the people who had concern about the Bill. I informed them that the Bill would be reviewed by the Standing Committee on Legislation. Many people took advantage of the committee's hearings to go along and put their concerns to the committee.

Hon W.N. Stretch: They did so very well, too.

Hon J.A. SCOTT: The sorts of concerns arising out of the Bill, as it was then, and now enacted, were along a number of environmental lines in that the Bill did not differentiate between the gathering of such flora as were described in the Bill; that is, it did not distinguish whether the removal would be by people removing matter in very small quantities, through horticultural people breeding their own plants or whether it would enable people to go into areas where there were rare and endangered species and to have the run of what was in that area. That is rather a dangerous situation for biodiversity. There were also concerns in the Aboriginal community about its traditional use of plants.

It was interesting that this Bill was jammed in with the Land (Titles and Traditional Usage) Bill as it was then, and Act as it is no longer. The Act was defeated by the High Court because it contravened other Acts of the Australian Government and I understand was found to be in breach of the racial discrimination law. However, it was ironic that the CALM amendment was taking away some of the rights which the Land (Titles and Traditional Usage) Act was laying down that Aboriginal people could have; that is, the additional rights to use the land and things on the land for their traditional purposes. Of course, the Conservation and Land Management Amendment Act 1993 completely upset that because it gave the complete control of flora to the Minister and the CEO of CALM. In the north of the State there have already been a number of instances where Aboriginal people who have been involved in breeding Australian plants for their own purposes have been directed by CALM to pay CALM for the right to be able to do that. It will be interesting to see whether the traditional usage legislation actually survives the test of the High Court. The provisions in that legislation are opposed to the provisions in this very small piece of legislation to which I am referring.

Problems have been experienced by horticulturalists who had been using particular plants for a long time. I refer in this instance to smokebush, from which conocurvone is extracted, which is used by people who sell flowers in both Australia and overseas. The problem is that the legislation is not specific enough about what properties are available to the person who obtains the rights to that plant. Basically, it pertains to the rights to the plant, rather than to a specific genetic breakdown of it. There is no differentiation and that cuts out a variety of uses for some of the plants to which someone might have been given the rights.

I will refer now to the points outlined in my motion. It asks for a review of part 3 of the Conservation and Land Management Amendment Act 1993 as recommended by the twenty-third report of the Standing Committee on Legislation. The standing committee made the following recommendations -

1. That following a report from the National Taskforce on Biodiversity, Part 3 of the Conservation and Land Management Bill 1993 be reviewed.
2. That the Bill be adopted as printed, but that its interpretation be guided strictly by the Minister's Second Reading Speech.
3. That a Select Committee on Biological Diversity be appointed.

I am not sure of the precise date on which the National Taskforce on Biodiversity reported, but I have had a copy of the report for almost a year. In spite of the time lapse, the appointment of the suggested committee has not been forthcoming, and that is the reason I have moved this motion.

This legislation is very important, both environmentally and economically, to this State. Many people underestimate the huge value of this State's native plants. Throughout the State there has been a tendency to slash and burn rather than investigate the uses for native flora as well as fauna. The State's forests are knocked down and sold as woodchips, but there are many products from the forest which, if used for other purposes, would have greater value than woodchips; for example, for biomedical purposes.

Hon Doug Wenn: CALM is doing that, even though it denies it.

Hon J.A. SCOTT: It is a matter of concern.

The second part of the motion reads -

Matters of concern raised in the 23rd Report associated with the cultivation and use of native flora and fauna and the genetic resources under the Amendment Act which the Standing Committee recommended for enquiry, including, but not limited to -

- (a) whether the International Convention on Biodiversity is breached by the Amendment Act;

Many people have said that the Act does that. The motion continues -

- (b) the need to affirm national sovereignty over flora and fauna genetic materials under the International Convention on Biodiversity;

In considering the patents and genetic rights of Western Australian plants, there is no point in saying that the State has complete control over a plant when it is growing throughout Australia. In considering Acts, we must ascertain whether they are feasible. This legislation should have been introduced by the Federal Government because this State cannot have control over plants which grow outside its border. The Government cannot promise people the sole rights to a plant which grows across the border. Plants do not recognise state rights in the same way as the Premier of Western Australia!

Hon P.R. Lightfoot: We think you are a socialist plant.

Several members interjected.

Hon J.A. SCOTT: Hon Ross Lightfoot may think I am a socialist plant; members on this side think he is an exotic plant.

Hon P.R. Lightfoot: I will take that as a compliment.

Hon Doug Wenn: He is a prickly pear which everyone wants to do away with.

Hon P.R. Lightfoot: You should not approach me in the dark!

Hon J.A. SCOTT: Paragraph (2)(c) of the motion reads -

the granting of exclusive licences for the use of genetic resources under the Amendment Act to multinational companies, or any other person, and the potential this poses for losing control of that genetic, economic and cultural resource to other nations or companies, and the potential for removing the rights of traditional use of such resources by Aboriginal people without adequate protection or consultation and contrary to the Commonwealth's Native Title Act 1994 and Racial Discrimination Act 1975;

This is an important point. Firstly, as soon as the biodiversity prospecting companies have control over a plant, they will be able to synthesise the values from them and then they will no longer have to pay any royalties or any type of rent for the use of that plant to the nation from which it comes. With reference to the second part of paragraph (c), there have been instances in other countries, where the rights to plants have been taken up by large North American companies, which have rather loose patenting laws compared with Australia. They have been able to take over the genetic rights to plants which have traditionally been used by people for thousands of years.

Hon P.R. Lightfoot: Which one?

Hon J.A. SCOTT: I am referring to the neem seed in India.

Hon P.R. Lightfoot: What about those used by Aboriginal people?

Hon J.A. SCOTT: Of which country?

Hon P.R. Lightfoot: I am not talking about the bushmen of Africa, or others - I am talking about Aboriginal Australians.

Hon J.A. SCOTT: A number of trees in the north of the State have been grown by an Aboriginal community. Later I will provide members opposite with some details. I cannot remember which community was involved, but I have been advised that it was working with some plants and it was instructed by the Department of Conservation and Land Management that it must obtain permission to do that. To my knowledge, in Western Australia international companies have not traded with Aboriginal people for that knowledge, but they have dealt with the Department of Conservation and Land Management. Paragraph (2)(d) states -

the lack of definition under the Amendment Act of the intellectual property rights of Aboriginal people who have traditional cultural use and knowledge of many flora and fauna genetic resources, and the handing over of such rights to multinational companies;

Of course, that fits in with what I was saying about neem seeds. We also know, for instance, that the Australian acacia tree has been planted widely overseas and has been used to provide not only firewood but also food to north African communities. The flour from the acacia seed has become almost a staple in some areas. That is trading on the knowledge of Aboriginal people without any return to those people.

Hon W.N. Stretch: A lot of acacias are native to Africa anyway.

Hon J.A. SCOTT: I was referring to acacias grown by Kimberley Seeds which were Australian acacias. They were used because they are so adaptable and are easy to grow in that particular climate. Also the seed was used by the local community to grind into flour. Paragraph (2)(e) states -

the possible conflict of interest of the Department of Conservation and Land Management (the Department) in negotiating financial contracts with private enterprise on issues of genetic resources which will raise funds for the department in resource areas where the same department is charged with conservation and management as a primary function.

That has been a sore point with many people in the conservation movement for a long time. We have that conflict in the sale of timber and woodchips in this State. Many people, myself included, believe that CALM's role is tipped in favour of commercial enterprises over conservation and biodiversity. We see that clearly in the burning programs that continue without regard for anything but the tallest trees in the forest and with no regard at all for the fauna and smaller flora for which the balance has significantly changed through that burning program.

Hon W.N. Stretch: You never learnt the lesson of wildfire.

Hon J.A. SCOTT: In fact, I have. I have gone along to many fire ecology lectures and I have learnt a lot about it and I am still concerned about the way in which CALM carries out its fire management. However, that is getting away from the motion; that is a side issue.

Hon W.N. Stretch: You criticised CALM's fire management.

Hon J.A. SCOTT: Yes, I do. Paragraph (3) states -

A review, as recommended by the 28th Report of the Standing Committee, of Part IV, Division 1, of the Conservation and Land Management Act 1984 (the Act), as amended.

Paragraph (4) states -

Whether the Amendment Act has the effect of restricting economic competition contrary to the national competition policy as considered in the Hilmer Report.

We have given CALM exclusive rights, and there is a need to look at whether we are restricting people who may wish to use a plant for one purpose as against people using it for another. Paragraph (5) states -

The potential for profits from the licensing, cultivation, and use of genetic resources being targeted to further research and development, species identification and vulnerability, and management and maintenance of the biodiversity of flora and fauna, with the precautionary principle being applied.

I have already mentioned that nothing in the current Act provides that a practice such as gathering the flora is done in a way that is consistent with the main part of the CALM Act. Clearly the conservation movement would like to see, where there are large profits coming from the indigenous flora, that at least a reasonable amount of that money is used for further research and development, species identification and general management of biodiversity of flora and fauna in this State with the precautionary principle being applied that it be prohibited if, on balance, the gathering of such material - even though it may be economically viable - may be a danger to biodiversity. Paragraph (6) states -

Whether the Act, as amended, provides sufficient legal basis for an extension of individual claims to control or ownership of discrete intrinsic properties of flora and fauna as species or genera.

I have already spoken about the discrete intrinsic properties of flora and fauna. The Act contains a general description of rights. It is important that the Act does not limit the usefulness of any plant for other purposes, because that could be used to restrict, accidentally or deliberately, other people who might wish to use a plant for another purpose. Paragraph (7) states -

The need to recognise a definition of "intrinsic value" of species and the maintenance of those species with no present discovered commercial value.

With the limited research that has been done on Australian plants, we have tended to use plants from overseas for many of our agricultural purposes. Australian plants have many values which are yet to be discovered. We need to give plants some significant intrinsic value, and not necessarily value them more highly because of their current monetary value as determined by the state of knowledge about the usefulness of those plants. Paragraph (8) states -

The legal implications of claims on intrinsic qualities of flora and fauna which have a natural range that includes other states or nations.

I have already talked about that. For example, we would be stretched to prevent New South Wales or South Australia from using those plants in the way they wish.

Paragraph (9) states -

The absence of guidelines for specific treatment limits or scope of intellectual property claims, exclusive use agreements, or access agreements over flora or fauna in relation to their chemical, genetic, or biological composition.

Obviously there is a need for guidelines in this area, because none exists at the moment. Paragraph (10) states -

The loss of intellectual property rights of the independent scientific community researching flora and fauna to the department and the Executive Director.

I can remember saying during debate on this legislation that people had made discoveries which had some potential for future development. I refer, for example, to a dwarf red fungus discovered in Western Australia by researchers, which outstripped any other fungus introduced in competition with it, thereby eliminating it. The advantage of the dwarf red fungus is that when introduced to a crop, it enhanced the crop and provided a better yield by eliminating other fungi. It had the potential to increase world crop harvest considerably, especially in those places susceptible to diseases such as rust or blight. It may even be possible to adapt it to treat jarrah dieback, although that research must still be done.

Hon W.N. Stretch: Is he still working on that?

Hon J.A. SCOTT: Yes, I understand he is. There is some problem about whether that person still has the right to do it under the terms of this Act.

Hon W.N. Stretch: He has no problem if he has registered it first. There was some talk about that in the select committee.

Hon J.A. SCOTT: The situation is not very clear, especially with regard to the rights of a private person and the compensation payable if that person is stripped of his rights. It is not accounted for in any way in the legislation.

Hon W.N. Stretch: CALM could not strip him of those rights if he had registered it at the beginning.

Hon J.A. SCOTT: Much of this work took place prior to the introduction of the legislation and these people have put a great deal into the research. The legislation takes no account of that, and the matter must be examined to ensure it is in the best interests of this State and it is fair to people in that position. We must ensure the research is not wasted.

Hon W.N. Stretch: He was so far ahead of any other agency at that time, that he had the opportunity to put his name to that kind of research if he so chose and I do not think CALM could have overturned that.

Hon J.A. SCOTT: Paragraph (11) states -

The failure of the Act to ensure the adequate protection of endangered species and to include overriding concern for conservation and land management.

That is fairly clear and is referred to in another paragraph. Paragraph (12) states that the committee shall have the power to send for persons, papers and records and to move from place to place. That is a standard provision for most committees.

With regard to paragraph (13) of the motion, under which the committee is required to report to the House not later than 26 September 1996, it is some time since I first placed this on the Notice Paper and, given the amount of work this committee must carry out, it would need to work very quickly to complete its work by that date. Therefore, I shall seek to amend that date, should the House support the establishment of such a committee.

I advise members that I have no desire to be the chairman of this committee; I would much rather that someone with more experience took that role on this very important committee. If this committee is not set up, all sorts of legal challenges will be made from those whose native rights are removed and those with other concerns. The story about Amrad Pharmaceuticals Pty Ltd is a good illustration of the problems, and the Act does not solve them in any way. Under this Act a company which already had a product on the shelves that it could continue to produce for some time, could gain rights to a plant just to prevent other people from developing it. Conocurvone, as a possible treatment for AIDS, is an interesting example because Amrad has a stake in research involving the people who have natural immunity to AIDS. I understand Amrad is jointly pursuing that line of AIDS research. Obviously, those sorts of things must be resolved, otherwise this State could find itself in the middle of large companies fighting over restrictive trade practices. There are many problems with this Act - more than I have outlined - and a select committee able to tap into the expertise required will be able to recommend sensible legislation that will ensure the ownership of plant rights remains with the people of Western Australia. It should also ensure that the procedure is fair and it does not result in huge litigation costs for this State. I ask members to support the motion.

Debate adjourned, on motion by Hon Kim Chance.

RAILWAY DISCONTINUANCE BILL

Second Reading

Resumed from 20 June.

HON KIM CHANCE (Agricultural) [4.25 pm]: This Bill, which will, among other things, enable the disposal of certain railway lands within the City of Bunbury, specifically in the railway reserve between Wollaston Station and its existing terminus near Stirling Street, is, on the face of it, relatively easy to support. The Opposition has taken advice from numerous quarters and, as a result, will not stand in the way of this Bill. However, the Bill raises a number of issues, and I understand that a number of the local members from both sides of the House will comment in greater depth than I can on those issues. It is appropriate that that process be undergone so that the Minister will have an opportunity of responding to those comments. I am certainly not in a position to say that the Opposition will support this Bill with great enthusiasm, but the Opposition's official position is that it will not oppose this Bill, so I thought I should explain from where we are coming.

The Bill proposes to relocate the Australind embarkation and disembarkation point to the site of the Harbour City development in Clifton Street, or essentially back into the city centre. One of the best things that the former Labor

Government did for Bunbury was to take the railway operations out of the city centre, so it would seem that we are doing a complete reversal of what I believe was the correct thing to do at the time.

Hon E.J. Charlton: Not everybody agrees with that. That is not a popular opinion.

Hon KIM CHANCE: I am sure the Minister for Transport would understand my point. Anyone who was familiar with the old station area and the development which has occurred in the station precinct would, I think, agree with me that it was a good move to take the railway operations out of the city centre. While our position would appear to be a direct contradiction, that is not necessarily so. This proposal is not a matter of our going back to where we were before those changes were made. In fact, it is a wholly new proposal in respect of the way in which the railway operations will service the city centre.

We acknowledge that the City of Bunbury sees merit in the proposed arrangement and also that it has made strong representations for the section of land between Stirling Street and Sandridge Road to be vested in the city. A number of other aspects of the plan are to the advantage of the City of Bunbury, so it is no real surprise that the plan has the strong support of the City of Bunbury. In acknowledgment of that strong support the Opposition will not oppose the Bill. That does not mean that a number of issues are not raised by the changes about which we would like further information and on which we want to comment.

Hon Tom Helm: We will not oppose it strongly.

Hon KIM CHANCE: We will not oppose it at all. I will outline those facts as well as I can. Hon Doug Wenn and other local members will provide more depth on that issue. Although the idea of locating the *Australind* depot in the city's centre is a superficially attractive arrangement, I do not think many would argue that the relocation is a wholly attractive proposition from a tourism use point of view; however, as far as I can see it has some undesirable aspects. The principal users of the *Australind* are not tourists, although that may be an important use. The principal users of the *Australind* are people who live in Bunbury. It is less evident that the plan has any particular advantage to people who use the *Australind* and who live in Bunbury.

At the moment the Wollaston Station is used for passenger movements. Bunbury is effectively built on a peninsula. The proposed site of the new *Australind* operations in Clifton Street in the city centre is at the head of the peninsula. Any radius drawn from that point will not include many residents; whereas a radius drawn from the side of the peninsula where the Wollaston Station is located would include many more residents. In other words, more Bunbury people probably live near the Wollaston Station than near the so-called city centre. The city centre location does not mean a more central location. The advice I have received leads me to believe that the opposite is the case: That is, this Bill will take the station further away from Bunbury residents. I have no argument with the view that it is advantageous from a tourist point of view to relocate the station. However, I have an argument with the classical approach that placing the station in the centre of the city will make it closer to more people.

I had to go through that point principally for people who do not understand the geography of Bunbury. I must include myself in that group: I had to take advice on what happened in Bunbury. Whenever this issue has been raised with other people we have invariably been told that every other country town in Western Australia is trying to get its railway embarkation point back into the centre of the town. Close to the Minister for Transport's home town and mine, Kellerberrin recently successfully completed such a project.

Hon Bob Thomas: What about Southern Cross? It used to be miles away.

Hon KIM CHANCE: I think it is still miles away.

Hon E.J. Charlton: It is trying to get it back too.

Hon KIM CHANCE: That would be good; I encourage that. However, that does not seem to be the case in the Bunbury proposal. I will let local members argue that with more conviction than I can. Suffice it to say that my information is that the current station, Wollaston, is probably more centrally located to more Bunbury residents than is the Clifton Street site. If we set aside the argument about tourism - the Opposition has acknowledged that there is an argument based on the tourists' use of the *Australind* for the central site location - that leaves us to make a judgment on whether the proposal is justified as a real estate exercise, because it is a real estate exercise of some significance.

The second reading speech details the value of the land that will be freed up for other uses. It is the real estate trading aspects that on the face of it and from the information in the second reading speech have led the Bunbury City Council to the view that this is a worthwhile project. I do not know what the cost of the whole exercise is. It is likely that the final costs are only projected at this stage. Costs for things such as the construction of the central terminus are not known because they are not finally planned. However, this plan is a major change and will involve the shuffling around of a great deal of land. Other aspects which I will not go into - but which I hope local members will - include the division of communities that might occur as a result of the construction of the transport routes.

Basically that is the view of the Opposition. I hope it is not confusing. I have tried to make it as clear as possible. We will not oppose the Bill. We are looking for some answers. I hope local members will be able to more clearly inform the House.

HON BARRY HOUSE (South West) [4.36 pm]: I support the Bill for a couple of reasons. I have an interest in this Bill from two aspects. As has been stated, it will close the railway reserve from Sandridge Road along Blair Street to the central business district in Bunbury. My interest is first with regard to the development of Bunbury. This legislation has had a fairly long gestation period: It has been in the pipeline for many years. The Bunbury City Council has been strong in its representations to local members that it had commitments from the Dowding Government, the Lawrence Government and, more latterly, the Court Government to complete the process that was outlined by Hon Kim Chance earlier to move the railway operation out of the CBD. This Bill in effect will complete the process. The move towards a new station is a new process. A commitment to cede that land was given by previous Administrations. I am pleased to be here to see the process come to an end after six or eight years.

Hon Kim Chance: I think it goes back a little further than that.

Hon BARRY HOUSE: Yes, certainly in terms of the railway operations being moved out of the CBD. I am a little surprised by the comments of opposition members and their rather lukewarm support for the Bill; nevertheless, I am glad they will not oppose it. A large portion of that land will be ceded to the Bunbury City Council. That is a generous offer from the State to the local authority. I am not sure of the exact value; it must be between \$500 000 and \$1m. That gift of land will allow the Bunbury City Council to clean up the Blair Street entrance into the city and to complete an approach that is suitable to the second city in this State.

I have seen concept plans of a very elaborate boulevard entrance into the City of Bunbury. They are possibly visionary and a little over the top; however, at least the council wants to clean up the area, and moves have commenced to allow that to occur. This legislation also will allow the sale of land towards Sandridge Road to enable the consolidation of some commercial residences between Wollaston Station and Blair Street.

The move to Wollaston eight or nine years ago met with mixed response. We must remember that, irrespective of whether the station is in Wollaston or in the central business district, it is at the end of the line in Bunbury. It is an unusual situation in some respects. It is not a continuous line through some of the wheatbelt, for instance. In that respect, it does not make very much difference where it is, at the end of the line. It is convenient for some - I grant for many - people who do use the *Australind* at Wollaston. There has been consistent criticism that it is too far out of the central business district and Bunbury. I know that view depends upon whom we speak to. However, I believe a proper railway station, a transport terminal, developed within the CBD would probably service the area better. It was a Government election pledge in 1993 to bring the railway back into town along Koombana Drive - that is, the woodchip line - and to set down passengers at a new terminal which could, and probably should, be combined as a comprehensive transport terminal near the old silos.

Hon Tom Stephens: You made a fairly significant commitment about the south west, too.

Hon BARRY HOUSE: What does that have to do with railways? The old silos are the only blots on the landscape. It was also an election commitment to have them removed as soon as possible. I must admit that, despite the best efforts of government, I have been very frustrated with that process. I feel angry in a sense that bureaucracy has won the day to this point in those silos being retained. They should have been bowled over a long time ago.

Hon Doug Wenn: You are in government now. Do something.

Hon BARRY HOUSE: I did start my comments by saying, despite the best efforts of Government. I am very pleased that Westrail is currently undertaking a study to bring that railway into the CBD. It will provide a magnificent rail entrance into Bunbury from Picton, between the ocean and the inlet. It will come in via the inner harbour where, if it is built within the next couple of weeks, people will still be able to see the magnificent Wandoo platform.

Hon E.J. Charlton: You can see the next one.

Hon BARRY HOUSE: People will also be able to see the most southerly mangroves in the world; the new dolphin discovery centre; Koombana Bay; the Koombana Bay sailing club where extensions have recently been completed; the new Koombana Bay holiday resort, which is a real credit to Robin Malatesta and his family company; and the Bunbury power boat club. The line will go across the cut to the northern section of Victoria Street in Bunbury that has been revitalised in the past 10 years with the construction of the Bunbury entertainment centre, and a new theatre complex is nearing completion. Guppy Park was recently revamped and reopened. A great deal of effort and money has been spent on streetscaping to make it a very attractive part of Bunbury. Capping it all off is a magnificent residential area on Marlston Hill. With the removal of the Westrail sheds and other clean-up activities - with the one exception of the silos - it is shaping up -

Hon Doug Wenn interjected.

Hon BARRY HOUSE: No, I have nothing to do with the Bunbury Tourism Commission committee. Hon Doug Wenn will agree, I am sure, that it is shaping up as a very attractive area of Bunbury. The time is ripe to develop a railway station and a transport terminus in that area. It will encourage more use of the *Australind*, which is currently being upgraded, and I hope it will also encourage the future implementation of a faster train service between Bunbury and Perth. The biggest disadvantage of the *Australind* is its speed; it is simply not fast enough to be a huge advantage over vehicle transport.

My next interest in this Bill relates to disused railway reserves, which I have pursued for some time. It developed last year when I chaired a ministerial task force into the statewide trails network. I am interested in disused railway reserves because of the potential they offer for the development of a trails network in Western Australia. The exercise of chairing the task force that reported to the Minister for Sport and Recreation was a very interesting and informative one, and I hope the forerunner of many good things that can be done in this State.

Hon Tom Stephens: Would you mind my saying that had it not been for a good Labor Government there would have been more of those disused railway reserves, which would have given you more work to do? It was only because the Labor Government protected some of these railway reserves -

Hon E.J. Charlton: You created them when you closed the railways down.

Hon BARRY HOUSE: That is right.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Hon Barry House has the floor.

Hon BARRY HOUSE: Hon Tom Stephens is obviously not familiar with the south west region. He will find his Government's policies led to many of those railway lines being closed down. The ministerial task force which I chaired found there was significant potential for railway reserves to be used for conservation and recreational purposes. It also found an extensive network was already in existence. The real advantage is that it already exists in public ownership. We have linear corridors that do not have to be purchased, and that also is a great advantage. We found there is great interest in the idea of trails, and a lot of usage of them. There is also a great keenness in developing dual use paths; that is, walking paths, bike paths and bridle paths to link with a developing network. The backbone of that network in this State has been around for some time and is taking advantage of an injection of federal and state funds; namely, the Bibbulmun track. That is being developed as a magnificent recreational trail.

Hon Graham Edwards: It was developed over time.

Hon BARRY HOUSE: Yes, I know it was.

Hon Graham Edwards: There have been some great people involved in it.

Hon BARRY HOUSE: I give credit to all people who have been involved, both federal and state. As I was saying, the Bibbulmun track forms the backbone of that network, but that is not the end of the story. There are many kilometres of Department of Conservation and Land Management trails and some local authorities have also done a magnificent job.

We recommended there was a need for a coordinating agency. Between 12 and 15 areas of government are involved in the development of something as simple as a dual use trail. We recommended the establishment of Trails West within the Ministry of Sport and Recreation as a lead agency with responsibility for coordinating issues relating to trail development.

Hon Tom Stephens: There are 14 agencies dealing with -

The DEPUTY PRESIDENT: Order! Perhaps Hon Tom Stephens will allow Hon Barry House to get back to the Bill.

Hon BARRY HOUSE: Although by a roundabout trail, I advise members that we also recommended there should be no more discontinuance Acts for Westrail routes. We wanted to avoid the further fragmentation of the linear reserves that are held in public ownership. Although that seems contradictory to my supporting this Bill, as I have already explained, the Bunbury line is at the end of a line and it is not fragmenting a route in any way, shape or form. That is why I have no hesitation in supporting the Bill.

HON DOUG WENN (South West) [4.50 pm]: I can honestly say that for a number of reasons I probably have more knowledge about this issue over the past couple of years than any other member in this place. First, I was a member of the Government, in cooperation with the South West Development Authority, the Bunbury City Council and local members, which first proposed the idea of moving the station. Second, I was born and raised in Bunbury and I have seen what has happened to its railway system over the years.

This was a controversial issue from the day that the then Labor Government announced, through one of the better transport Ministers we have seen in this State for a long time -

Hon Bob Thomas: The best.

Hon DOUG WENN: Indeed. Hon Julian Grill listened to people and their concerns. When the then Government mentioned that the station was to be moved out of the city centre, a number of public meetings were held in Bunbury to discuss where the station should go. One group believed that it should stay where it was; another group believed that it should be located on the intersection of Blair and Strickland Streets; and another group thought it should go out to Wollaston. I was one of the latter group.

As members are aware, some years ago I was a cab driver in Bunbury and many rail passengers had to be driven by cab from the railway station in the city centre back along the track route to their homes. The number of people who bitterly complained about the fact increased. They asked, "Why is there no drop-off station near my home? Why must I pay a train fare to be taken to the other side of the city, and then catch a cab to go all the way back home?" The support for that point of view grew stronger.

Through the then local members of Parliament - Mr Phil Smith, Mr David Smith and me - along with Minister Julian Grill, the decision was made by the then Government to place the station at the Wollaston centre. Hon Kim Chance and Hon Barry House indicated that this is the most central point at which one could place a railway station in Bunbury. I have repeatedly heard argument about the impact on tourism in Bunbury through shifting the railway station, but I have trouble with that argument. The then Government provided a shuttle service from the railway station into the city centre to cater for people wanting to go into town - it was not quite a city then - to take advantage of the shopping.

Hon Bob Thomas: Does it still run?

Hon DOUG WENN: It was withdrawn because of its lack of use.

Hon N.D. Griffiths: There was a discontinuance!

Hon DOUG WENN: Indeed. A couple of other strong reasons supported that withdrawal. I do not agree with taking the station back into the city centre. Until somebody can convince me that such a move will enhance tourism to the Bunbury city centre - and I have not seen that argument or any documentation to back it up - I will not support such a move.

Hon Barry House gave us a picturesque description of the train journey from Picton to Bunbury and, no doubt, many people will take a trip from Picton to the city centre to experience the trip the member outlined! In reality, the trip is through industry, scrub then beachfront - which is nice - before reaching the city centre, and it is beachfront, scrub, industry, scrub, more industry and rail link for the journey back to Picton. It is not quite as pretty as the member described.

Hon N.F. Moore: You shouldn't be denigrating Bunbury.

Hon DOUG WENN: I am promoting Bunbury.

Hon N.F. Moore: It doesn't sound like it.

Hon DOUG WENN: I am supporting Bunbury's best interests, unlike the blow-in member for Bunbury, who was living in Albany when the initial decision was made.

Hon Bob Thomas: What a fine place!

Hon DOUG WENN: It is a fine place - I do not deny that - but the member for Bunbury probably knows more about Albany than he knows about Bunbury.

Hon Graham Edwards: He would not know as much about Albany as Hon Bob Thomas!

Hon DOUG WENN: If the then Labor Government had not made that initiative, we would not today see the Bunbury City Square; the Bunbury entertainment centre; the Usher foreshore development; or the development in the Marlston Hill section, which I agree with Hon Barry House is a fine development. This decision led to the streetscaping, and the extension of Blair Street to continue to the harbour facility at the outer harbour. The removal of the railway station was a good move which I back 1 000 per cent. The station should remain where it is.

This relocation of the railway station has united Bunbury. Bunbury used to be a city divided by the original rail and shipping movement, and the removal of that railway link from the centre of Bunbury has unified it to a close formation. Also, it has given the opportunity for the people of Bunbury to feel part of Bunbury. In the old days, the rail link and stockyards caused East Bunbury to be isolated from the rest of Bunbury, and the relocation of the station has united the city.

I have other concerns about the handing over of this land to create another road reserve. Between Strickland Street and Sandridge Road are some blocks of land which - I agree with Hon Barry House - are an eyesore. It is the intention of the Bunbury City Council to create a road system, which will alienate businesses by placing the roads at the back of their businesses. Over the years - some of them have been in business for 15 to 20 years - they have

operated off the movement of traffic as their customers come from Sandridge Road. It is all right to say that they should just turn their businesses around, but the Government should subsidise them to do so. Will it bear the cost? They must turn their businesses around to face the new service road, which will inevitably become the major service road, to be able to maintain the businesses they have developed over many years.

Hon Barry House interjected.

Hon DOUG WENN: The member is probably right. However, other businesses will go into competition with the existing businesses. Many of these people have invested their life savings in those business, and to suddenly place the major road behind them will take away customers.

The second reading speech - I agree with the Minister 100 per cent in this regard - indicates that the station should be "retained until a new station can be justified". That is an important expression. At this stage, I am not sure that the Minister can justify a new station. Under what guise would that relocation be justified? If the Minister refers to the tourism argument, he should show me the figures supporting that move. If I can be shown that it is justified, I am happy to go along with the move. However, I do not believe that it can be justified.

[Questions without notice taken.]

Hon DOUG WENN: Prior to question time I stated why the station should not be moved, and also added that in a roundabout way I support this Bill. It is more about the land that will be made available that is not now being used.

I was making reference to the second reading speech and I am more than happy to see that the Minister has made the point that the existing station be retained until a new station can be justified. As I said, the Minister will have to work hard to justify shifting the station. He will also have to show me that the cost involved in shifting it will be justified by advantages to the city itself. It appears that the main reason for shifting the station is to enhance tourism in the Bunbury city centre. I will go along with that; I will support that in any way that I can. However, the Minister will need to prove to me that enough people will travel on the train on a daily basis to justify the cost of shifting the station - which will probably be \$6m, \$7m or more.

Hon E.J. Charlton: Not necessarily; it depends on the infrastructure put in place. Where do you think it should be?

Hon DOUG WENN: I said at the outset that I support its staying where it is, and I have always done so. I also said that having been an owner-driver of a taxi in Bunbury for three and a half years I know that 99.9 per cent of passengers picked up in the city go straight back along the rail line to the outer areas of Bunbury. If one were to put a compass point on the station now and draw a circle, one would take in the biggest part of Bunbury.

Hon Mark Nevill: It is now in Picton.

Hon DOUG WENN: No, it is in Wollaston. The only real winners will be taxi drivers - and I am thinking of buying back into the industry. Most of the fares they now get involve short runs to the local suburbs around Bunbury. If the station were shifted back into Bunbury the fares would increase by between \$4 and \$4.50. The Minister should do some real research and talk to the cabbies.

Hon Peter Foss: You were a cabbie, were you?

Hon DOUG WENN: Yes, for three and half years I was an owner-driver - which everyone was in those days. This second reading speech is very misleading. The Minister stated -

... the existing station should be retained until a new station can be justified on the north edge of the town centre at Clifton Street ...

If that is where it will be located, will the Minister shift the road traffic licensing centre, the silo markets and the new theatre, or will he take up the parking area allocated to the entertainment centre?

Hon E.J. Charlton: No.

Hon DOUG WENN: Then this second reading speech reference to Clifton Street is wrong.

Hon E.J. Charlton: It means that vicinity.

Hon DOUG WENN: We could put it in Henry Street. That is right in the port, but in the vicinity.

Several members interjected.

Hon DOUG WENN: It is close. This is the Railway Discontinuance Bill; it is not about the shifting of the station. The departmental officers had better get it right. The location referred to is really Koombana Drive. All of those facilities will need to be shifted. The next issue that must be considered seriously is the new Police Department and shifting of the licensing office. Some money has been spent on those facilities, but until recently the personnel in those buildings have been working in adverse conditions.

Hon E.J. Charlton: A review was done in Bunbury and people were asked where they wanted the station. That is where the majority of people wanted it.

Hon DOUG WENN: They were wrong; the people who asked the question were wrong. It should have been Koombana Drive. It is in the vicinity.

In the second reading explanation the Minister stated -

The city required the section between Ward Street and Standridge Road to be vested for drainage purposes to fit with the overall Bunbury drainage strategy.

I find it amazing that that statement has been made. We have just seen the development of the Prosser site over the past few years. A magnificent shopping centre has been built on a plot of land originally owned by Bunnings. A major part of the rail corridor passes in front of it. It also has sewerage pipes on the East Bunbury side, which is right behind it, and it has sewerage on the other side of the road. We are talking of vesting this land for a drainage strategy, yet the developer was allowed to install plastic septic pipes - who knows how he got away with it, but he did.

We had major rainfall in Bunbury recently and, of course, as the development was done reasonably cheaply in some areas, major flooding occurred. People using that shopping area - for example, customers of Chicken Treat - are walking in raw sewage. Perhaps the Minister might tell me how we can justify that statement when one of the major developments concerns a Minister who is about to retire and take up a management position with Prossers, the builders. He is the Minister for town planning. It is very surprising, is it not, that the company was allowed to get away with it?

Hon E.J. Charlton: Who approved the development?

Hon DOUG WENN: Over the past years, the Government.

Hon E.J. Charlton: What are you talking about? The Government does not approve these things.

Hon DOUG WENN: It does under the Health Act in regard to sewerage connections and so forth.

Hon Peter Foss: That has been changed.

Hon DOUG WENN: So that makes it all right! The problem has been taken out of the Government's hands and given back to Bunbury City Council.

Hon N.D. Griffiths: After the event.

Hon DOUG WENN: Yes. I am not totally in agreement with Hon Kim Chance, who suggests we support this Bill as it is. I have some problems with it, which I will be discussing next Monday with the mayor and the city manager at a meeting over this corridor proposal. However, at the end of the day if it may serve Bunbury and help make it a better place, I will support this Bill in the way it is. I will not support the shifting of the railway station from its present site in Wollaston. Some years ago people involved in the tourism authority and other bodies mentioned that it should be moved. I opposed it then; I oppose it now; and I will oppose it in the future.

HON BOB THOMAS (South West) [5.43 pm]: This is one of those issues where it is difficult to say that an opinion is absolutely right or absolutely wrong. I have mixed feelings about the Bill and some grave concerns about the effect we will have on future development on Bunbury if we take the railway line back into Bunbury through the Koombana area.

Hon E.J. Charlton: This Bill is not about that, as Hon Doug Wenn has said.

Hon Kim Chance: The second reading speech was in part, to be fair.

Hon E.J. Charlton: I referred to that.

Hon BOB THOMAS: One aspect of the Bill is the siting of the railway station in the Bunbury city centre. Depending on to whom one talks to in the south west, one may get support for the location of the railway station in the centre of Bunbury or out at Wollaston. People I talk to at Manjimup, Augusta, Margaret River and Pemberton are unhappy about the railway station being at Wollaston because they have to catch buses to Bunbury and then the *Australind* to Perth. Quite often they have a two hour break between the bus terminating at Wollaston and the *Australind* leaving for Perth. One of my Manjimup branch members, Shirley Hughes, is very critical of the station's being at Wollaston. She is a pensioner of about 70 years of age and she finds it very difficult to get around. She finds it a burden to catch a bus into Bunbury and spend a couple of hours looking at shops or the new development in Bunbury and then have to return to Wollaston for the connecting train service. She feels that we made the wrong decision in taking the station out of the centre of town. Plenty of other people in the south west are upset about the station's not being in the centre of town.

The reason we decided when in government to relocate the station was that the station in the middle of the town took up a lot of commercially valuable land for marshalling yards, the round house, sullage pits and such things. A lot of prime commercial land was being inefficiently used for railway purposes. In days gone by when the railways were a major form of transport, they needed a lot of spur lines in marshalling yards for the general freight carted by rail. As technology changed, people no longer found railways efficient for carrying general freight and found that road transport was more efficient. As a result those large marshalling yards and spur lines became redundant. Therefore, we were able to redevelop quite well a lot of Bunbury. If people walk around the old station precinct and look at the entertainment centre and the landscaping down to the harbour, etc, they see a good example of how we can better use public open space and bring more commerce back into the centre of the town.

However, I have grave reservations that if we were to build a new station in Clifton Street or Henry Street, it may well have a detrimental effect on the future development of Bunbury in the Koombana area. A railway down the middle would split development at Koombana and would be incongruous with developments which may take place in the future. We must think very carefully about whether to do that.

Hon Kim Chance thinks that Wollaston is the epicentre of Bunbury; he is probably right. Wollaston is probably more equidistant from the residents of Bunbury than is the Clifton Street-Henry Street area. That aside, it would be wrong for us in 1996 to make a decision for Bunbury which could jeopardise a lot of future development. I am keen to hear the Minister's views on that when he sums up. Perhaps he could tell us how far advanced planning is for the railway station in the middle of town or whether it is just a concept? Will he tell me whether the Government has any sites in mind; whether the Government considered resuming any land in that precinct; and whether he is aware of any Koombana area developments which may be compromised as a result of the line going into the centre? I will not be opposing this legislation, but I want the House to know I have grave reservations about some aspects of the proposals in this Bill.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.48 pm]: I thank the members for their cautious support of this Bill. It appears that although they have a few reservations, they know it is the right thing to do and therefore they support it. Hon Kim Chance mentioned, as other members did, the issue regarding the site of the current station and also the new station. The current station is widely supported, from the information we have, which was collected by a proper assessment of opinion and showed most people would prefer the station to be relocated back in the town.

Hon Bob Thomas: How was that surveyed?

Hon E.J. CHARLTON: Westrail carried out the survey on that aspect in conjunction with other planning associated with it. Before we decided about handing part of the land back to the council and selling off the remainder, we needed to assess whether the alignment, which was mentioned earlier by Hon Barry House, should be kept, in case support was given to the station being placed somewhere along that alignment. The preference was to locate the station at the other end of the city; therefore, a decision was made to use this area for other purposes. That is the thrust of the legislation. It is important to note that the City of Bunbury requested the Government to make the land available and some of it has been handed over, free of charge. Hon Barry House said it is a significant contribution by the Government to the City of Bunbury, and therefore to the people of Bunbury. In ensuring that it maximises the change of ownership of Westrail land which is no longer required for its purposes, the Government is making it available to the community in a commercial way.

Hon Bob Thomas: What is the council's view about Clifton Street?

Hon E.J. CHARLTON: I will come to that. The Government's decision to hand over that land to the council has been well received. The local authority would have been unhappy with any other decision. The remainder of the land will be sold off after it has been subdivided. That really is the beginning and the end of the future for this land. It will enhance the beautification of Bunbury which is the main reason behind this proposal.

Hon Doug Wenn referred to a new road which will affect existing businesses in the area. I understand he is not correct and a new road will not be built. The roadworks will be limited to the City of Bunbury's works on Blair Street Boulevard. There will be limited subdivision on the opposite side of the road, but it will not have any impact on those businesses. It was the first time that proposition had been put to me and I immediately sought clarification. I can advise members that there is no proposal to build a new road behind the existing business lots.

Members asked where the new railway line would be constructed. I acknowledge that, irrespective of where it is constructed, it will limit access to the ocean. This issue must be addressed properly. When any action is taken, there is always a reaction because of the perceived detrimental consequences. The railway line will extend to the inner harbour and, as a consequence, it will be constructed between the ocean and the Koombana area. The location for the new station has not been determined. It must be located in a position which complements the development of Bunbury.

Hon Mark Nevill: Is it aimed to cater for tourists or the local residents?

Hon E.J. CHARLTON: I will come to that. The proposal to locate the station in Bunbury will have a range of benefits, including those outlined by Hon Bob Thomas. If the station is located in the city, people will be able use the train to travel to the city to do their shopping or avail themselves of the numerous services available in the city. It will also suit those people who travel to and from other towns in the south west and are required to change their method of public transport in Bunbury. Within the last 12 months there has been an 11 per cent increase in passengers using the *Australind*. The reason is the change to timetables and the train is now being run to suit the passengers. Someone said to me the other day that it was radical planning and he did not think the Government did that sort of thing. However, it indicates the changes taking place within Westrail. It is providing a service to the people who use its services and it is not operating those services to suit its employees. That is the new image portrayed by Westrail and that is the reason that Westrail employees are proud to be part of a new generation of Westrail operations. I salute them because they have done a magnificent job and their future is assured.

The railway line into Bunbury will provide other benefits. The only train that uses the railway line from Picton to the existing station in Bunbury is the *Australind*. The intention is to provide a new road access to the Port of Bunbury for heavy haulage transport. Most of the freight that is carted throughout the south west - that is, from Albany to Mandurah - is carted through the Port of Bunbury. Currently 27 million tonnes of freight is carted in that area annually and it is anticipated that in the next 20 to 25 years it will increase to approximately 60 million tonnes. Proper planning is required to ensure that a new access road is provided to the port. In addition, Kemerton must be linked to the railway line and, of course, the new station must be built. This will enable a link road to be built around Bunbury which will be completed within the 10 year program. The new access road will come off the link road into the port. In addition, this will solve a problem with the South West Highway. While the railway line remains where it is, land north of Picton must be set aside for the bypass road to the South West Highway. This will have a detrimental effect on a number of people with whom I have met. I have given them a commitment that, upon cessation of the use of the railway line from Wollaston, the railway reserve will be used for the road. It will take away the necessity to have the bypass road around Picton and the consequence will be a win-win situation. Everybody is happy about that proposal.

I return to when the new line will be constructed. The sooner it happens, the better, not for tourism purposes, but because it will complement the total planning of transport infrastructure in Bunbury. The Government is working through this process. By the end of the year its time frame will be determined and everyone will then have a clear picture of the proposal for the future planning of Bunbury.

I have outlined the game plan. The Government wants the land made available. I appreciate the support given by the Opposition to this legislation. It will enable the local council to continue its planning for Blair Street. The subdivisions will be able to take place and, by the end of the year, the other planning decisions will be made, providing there are no problems associated with it. The ring road and the access road, both of which have been identified, will be commenced and, to complement those roads, there will be a bypass from Picton along the railway reserve. Members can picture what a wonderful outcome this will be for Bunbury.

In the immediate term the Government does not have to build an elaborate station. It must be a building which serves its purpose and is located in the right place. It must also complement the future development of that part of the city. That is exactly what the Government intends to do.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Assembly.

Sitting suspended from 6.00 to 7.30 pm

CRIMINAL LAW AMENDMENT BILL

Bill returned from the Legislative Assembly with amendments.

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA BILL

Receipt and First Reading

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

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [7.34 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to enable a declared agency to conduct telecommunications interception within the Western Australian jurisdiction, in accordance with the commonwealth Telecommunications (Interception) Act 1979. The Bill will enable the Western Australia Police Force to become a declared agency for the purposes of the

commonwealth Act. This Bill should be read in conjunction with the commonwealth Act which provides the enabling legislation.

The administrative difficulties that impeded the passage of a similar unsuccessful Bill tabled in the Parliament in 1990 have now been addressed. The importance and effectiveness of this Bill is illustrated by the October 1995 conviction of a Western Australian drug dealer. Without the lawful interception by the Victorian Police of a telephone call between the dealer and a Victorian criminal, they would have successfully negotiated the transfer of 5.3 kg of prohibited amphetamines from Melbourne to the streets of Perth. Situations such as this were the very reason that the 1986 Stewart royal commission recommended the extension of lawful telecommunications interception into the fight against serious crime and into the powers of state and territory law enforcement agencies.

Justice Stewart's recommendations were supported by a commonwealth special joint parliamentary select committee on telecommunications. Justice Stewart further recommended that a new federal telecommunications agency be established to conduct interception activities on behalf of the Australian Federal Police, the National Crime Authority and state law enforcement agencies.

When a telecommunications interception warrant was issued by a Federal Court judge, the new federal agency would be permitted to acquire interception information on behalf of the authorised law enforcement agency, and then provide the information to it. To those agencies complying specifically with the stringent requirements of the federal Telecommunications (Interception) Act, the federal agency permits connections to its interception facilities on a pro rata, "user-pays" arrangement. These recommendations were included in the federal Telecommunications (Interception) Amendment Act that was proclaimed in 1987.

The telephone is used daily by most Australians these days. Australia is also a world leader in the use of the facsimile. The federal Telecommunications (Interception) Act 1979 recognised the invasive nature of telecommunications interception and therefore limits the use of its powers to only those matters considered to be a serious crime.

In 1994 the Commonwealth Government commissioned the Barrett review on the long term cost effectiveness of telecommunications interception. It concluded, in part, that "telecommunications interception is an intrusive act. However, it is not as intrusive as other surveillance methods such as personal surveillance and questioning members of the public." To minimise the intrusion into the lives of those persons not connected to offences against which the warrants were issued, this Bill provides very stringent practices and procedures for those conducting telecommunications interception.

The Bill provides that an eligible authority - the Western Australia Police Force for the purposes of this Bill - may obtain a warrant to conduct a telecommunications interception for the purpose of investigating specific categories of offences which are considered to be serious crime. The types of offences for which intercepts can be used are prescribed in the commonwealth Act as a "Class 1 offence" and a "Class 2 offence". These include murder, kidnapping, narcotics offences punishable under section 235 of the Customs Act 1901, offences attracting life imprisonment and serious offences punishable by at least seven years' imprisonment that involve loss of life, serious personal injury, serious risk of such loss or injury, and related offences such as conspiracy, aiding, abetting or being knowingly concerned in the commission of such offences. The Bill provides that a warrant can be issued only in cases which relate to those prescribed classes of offence. It cannot be used for the gathering of intelligence in the absence of one of the prescribed offences.

I emphasise that this legislation recognises the paramount importance attached by members of the community to the privacy and protection of law abiding citizens. It ensures that the powers it confers to investigations into the specified offences are properly balanced with the community's rights to privacy. The Bill, which substantially reflects the commonwealth legislation, provides numerous safeguards and protective measures to ensure that interception does not encroach upon privacy more than is essential for the purposes stated in the warrant.

This legislation will mean that a telecommunications interception cannot be conducted lawfully without a warrant being granted by a Federal Court judge who has complete discretion on whether to issue the warrant. Among the essential matters to be considered by a judge before deciding upon an application for a telecommunications interception warrant are: The nature of the information expected to result from the interception; the appropriateness of alternative investigative methods; the privacy of any person; and, for telephoned applications, the urgency attached to the application.

In summary, an application for the issue of a telecommunications interception warrant is subject to rigorous judicial scrutiny before a determination is given. Law abiding citizens should be comforted by these assurances. Other safeguards include -

The power, by the relevant judge or the chief officer - in this case the Commissioner of Police, as defined in clause 3 - to revoke the warrant if the conditions for its issue have not been met or no longer apply.

A maximum life of 90 days for any warrant.

The destruction of records of intercepted communications passing over a telecommunications system when they are no longer needed for the investigation or prosecution of the offence or offences for which the warrant was issued; and

the eligible authority must maintain comprehensive records relating to all warrants.

Each of these requirements, which is to apply to the Western Australia Police. It is important to note that New South Wales, Victoria and South Australia enacted their state legislation some years ago.

Consistent with the requirements of the commonwealth and other states' legislation the Bill requires the Commissioner of Police to provide a copy of the warrant to the state Minister responsible for the legislation as soon as practicable after it has been issued or revoked. There is also a requirement to provide a written report within three months of 30 June detailing a wide range of information as set out in division 2 or part IX of the commonwealth Act. In addition the state Minister is required, under the commonwealth Act, to provide the same information to the federal Minister who must then table an annual report containing the required information in both Houses of the federal parliament.

The legislation requires that an independent inspector be appointed to make bi-annual inspections of all telecommunications interception records of the Western Australia Police Force. It also allows the independent inspector access to all interception records at any time to ensure that the requirements of the legislation and the warrants are being strictly and scrupulously adhered to. In Western Australia it is proposed that the state Ombudsman will carry out this vitally important role of the independent inspector for the purposes of the legislation. The State Government believes that these inspections and reporting requirements are essential safeguards to ensure the proper and responsible management of the powers conferred on the WA Police Force.

Part 3 of the Bill provides the inspecting officers, including the principal inspector, with the necessary responsibilities and powers to inspect the interception records of the Western Australia Police Force at any reasonable time, but at least twice each fiscal year. It also provides that the principal inspector is to report to the relevant minister regarding the results of each inspection.

Recently the Federal Government confirmed that its Ombudsperson remains the best person to exercise these functions for the purposes of the commonwealth Act. In this State, the Ombudsman is considered to be the most appropriate person to conduct the inspections and to develop the reports required by the Bill. The independence and integrity available through his office are paramount to the proper operation of the Bill. To facilitate these new responsibilities the Ombudsman has indicated that he will require additional funding for equipment, staff and training.

Another matter of concern previously raised was the need to ensure that the Ombudsman remain able to exercise his responsibilities under the Parliamentary Commissioner Act that permit him access to information relating to investigation of complaints made against police. It has been confirmed by legal advice obtained from the federal Attorney-General's department that sections 67 and 74 of the federal Act are not limited in their application by subsection 6G(3) and therefore 'lawfully obtained information' relating to the misbehaviour of a police officer could be provided to the relevant state complaints agency.

Another consideration was the flexibility to appoint someone other than the Ombudsman as the inspecting officer should future developments in the operation of this legislation require that a more appropriate independent state officer undertake this role. The Commonwealth and other relevant jurisdictions have had regular reviews to consider this matter. While it remains the intention of the Government to appoint the Ombudsman to the inspecting position, it is essential for continuity and probity that the legislation is not hindered unnecessarily by emerging dynamics, and so, with the agreement of the Commonwealth, this Government will prescribe within the regulations the inspecting officers and the principal inspector.

With the protections and safeguards built into this legislation, I am confident that the Western Australia Police Service can properly and effectively exercise the powers in regard to telecommunications interception conferred on it by the commonwealth and state legislation. I am also satisfied that the Police Service will be properly accountable for these operations. The accountabilities relate to the approvals and exercise of the warrants and the collection, handling and disposal of the relevant, often highly sensitive information and records. As an indication of the seriousness of an offence involving the unlawful disclosure of information obtained or relating to an interception and as a deterrent to any breaches of these safeguards and protections, an offence attracts a penalty of imprisonment for two years. This is consistent with the penalties in the commonwealth Act.

The rest of this Bill details the remaining matters that are required to enable this State to seek from the Commonwealth a declaration of the Western Australia Police Force as an agency empowered to conduct telecommunications interception within the jurisdiction. These details include the functions and obligations of the Commissioner of Police, as the chief officer of the declared agency, regarding the keeping of specified records pertaining to interception matters and his reporting to the relevant Minister regarding the use of those records and information.

To satisfy a commonwealth declaration this State has agreed to meet its own costs of participation. These include pro rata payments for the operation of the federal interception agency and to other telecommunications organisations as required from time to time.

The Barrett review found that the cost benefits of conducting lawful telecommunications interception to counteract crime are markedly better than alternative investigative surveillance tools and processes. This is supported by annual reports of the New South Wales, Victorian and South Australian law enforcement agencies that have operated legislation similar to this Bill for an average of six years. Hence the Government is very keen to enter into the relevant agreements following enactment of this legislation.

Telecommunications are a vital tool for criminals involved in the serious offences I have described - such as murder, kidnapping and narcotics trafficking. To counter such serious criminal activities, this Government will ensure that the Police Service of this State has adequate resources, including legislation, to effect the successful investigation and prosecution of the perpetrators of serious crime. Those who seriously flout the law will find their activities significantly and deservedly curtailed by this Government's initiative in allowing for telecommunications interception.

In 1986, Justice Stewart recommended that interception is an essential aid to effective law enforcement. In 1987 the Commonwealth legislated that the powers to lawfully intercept should be given to any Police Force that met the Commonwealth's stringent safeguards and protections. The 1994 Barrett review confirmed the necessity, effectiveness and great community benefits of lawful interception powers for police and commended agencies for the quality of their record keeping and accountability. For the benefit of its citizens, this Government is committed to extending the opportunity for lawful telecommunications interception to the Western Australia Police Force through this Bill. The coalition Government is committed to better enforcement of the laws of this State through providing its Police Force with the same powers to lawfully intercept telecommunications as are already available to other leading law enforcement agencies within the Commonwealth. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ELECTORAL LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 22 August.

HON J.A. COWDELL (South West) [7.46 pm]: I am sure, Mr President, that your good self and members will wish to be reminded of the few key points I made.

Hon N.F. Moore: It is not absolutely necessary.

Hon Mark Nevill: You need refreshing.

Hon N.F. Moore: I have the *Hansard* which I have read seven times since.

The PRESIDENT: Order! There is a standing order which prevents tedious repetition.

Hon J.A. COWDELL: Indeed, Mr President, but in this case it will refresh your memory.

The PRESIDENT: I will be the judge of that.

Hon J.A. COWDELL: As I was saying last Thursday, the Labor Party supports this legislation, albeit in an amended form. It does so because it is significantly based on the 1992 Electoral Amendment (Political Finance) Bill introduced by the previous Labor Government and passed by this Parliament. Many, but not all, of the amendments have improved that original piece of legislation. To a significant degree the amendments have taken into account the report of the Commission on Government.

As I pointed out previously, the Labor Party pioneered disclosure legislation in Australia both in New South Wales and at the national level and, of course, we were proponents of this type of disclosure legislation before the current Government was willing to embrace it.

I pointed out that we do not support this Bill unreservedly. For example, we do not support the Government's intention to render sections 191B and 191C inoperative by failing to proclaim them. That does not enjoy the support of the Opposition. The Opposition has placed on record both in this Chamber and publicly its opposition to any increase in the deposit for parliamentary candidates in the order of \$100 to \$500. We acknowledge that to some degree the Government has taken account of public sentiment by proposing amendments on the Supplementary Notice Paper to reduce the amount.

We do not support the one-sided donor policy, which the Government seems to embrace. We have legislation on the books that deals with a particular class of donor already; that is, trade unions. We have here a general piece of legislation dealing with donors and disclosure, but that does not discriminate against other classes of donor. I note

that a number of things need to happen in this regard. I had hoped that this Bill would repeal sections of the Industrial Relations Legislation Amendment and Repeal Act 1995. The current Bill does affect the Electoral Act 1907, the Electoral Amendment (Political Finance) Act 1992, and the Equal Opportunity Act 1984, but does not affect the piece of industrial legislation, second wave, part 1, that was passed by this Parliament last year. That is a fault with the legislation. Even if the Government wished to be conservative in this regard it should look at the repeal of the reporting sections of the industrial relations legislation. When this piece of legislation comes into force through the Electoral Act, surely we should have one Act that governs all classes of donor. However, it is not acceptable, I argue, that one class of donor - namely, trade unions - is required to make disclosure to the Industrial Registrar with a different set of tables and requirements at the same time as being required to make reports to the Electoral Commission. That is one area where clearly this Bill should impact on the industrial legislation so that there is only one regime of disclosure.

Therefore, there are areas that the Opposition does not support; there are clauses of this Bill that the Opposition will seek to amend, to improve - and as I have pointed out they are with respect to limitations on government advertising and travel expenditure, and the level of the deposit required for parliamentary candidates.

Hon N.F. Moore: What will you make that?

Hon J.A. COWDELL: We will merely oppose the amendment. Therefore, we will leave it as it is.

Hon N.F. Moore: Why don't you make it free, and be done with it? Why is a fee set?

Hon J.A. COWDELL: There is recognition of the need for a fee. I do not believe, however, as the Minister stated in his second reading speech, that this is the judgment that should be made here and a fiscal device used to get rid of "frivolous" candidates. We must be very careful about whom we exclude from the electoral process. However, I shall refer in detail to that clause shortly.

I pointed out that the Government had a poor record with respect to disclosure legislation, and that this was based on the fact that it has delayed, firstly, the introduction and then the effective implementation of disclosure legislation in this State for around 5 years -

Hon N.F. Moore: We have not been in government for 5 years!

Hon J.A. COWDELL: Members opposite opposed the 1991-1992 Act in both this Chamber and the Legislative Assembly. I took the opportunity to read the debates on that occasion so that I could glean the wisdom of Messrs Foss and Cash opposite and it was wisdom at length - and the advice of fellow traveller Pental, fair weather Phil -

Hon George Cash: The former Honourable Phil Pental.

Hon J.A. COWDELL: He is still honourable. He spent 10 years in this Chamber.

Hon P.R. Lightfoot: That is with a capital "h". We don't think he is "honourable".

Hon J.A. COWDELL: That is a harsh judgment!

Mr President, I did note the advice of those who were members of this Chamber at that time, in opposing the legislation. I will be reminding them of some of their advice when we reach the Committee stage.

Hon P.R. Lightfoot: That was when the Labor Party was in power.

Hon Mark Nevill: I hope that Hon John Cowdell is tediously repetitious!

Hon J.A. COWDELL: There is no need to be, because there is a separate quote for each occasion. The current Government was opposed to disclosure legislation in 1992.

Hon Peter Foss: That is not correct.

Hon N.F. Moore: The Bill passed through this House.

Hon J.A. COWDELL: Yes, and many of the clauses - or almost all - are now repeated here, so we look forward to consistency -

Hon Peter Foss: On the contrary!

Hon J.A. COWDELL: We could not have that; I know that!

Hon Mark Nevill: Hon Peter Foss denies he is ever inconsistent.

Hon Peter Foss: Things change.

Hon J.A. COWDELL: Ministerial office changes all.

Hon Peter Foss: On the contrary. That is not the reason.

Hon Reg Davies: It is not "honest government"!

Several members interjected.

Hon J.A. COWDELL: We had opposition to the 1992 Bill, failure to proclaim the 1992 Act, procrastination and excuses over the four years since that time, and, finally, the arrival of this Bill. This is half a Bill. The Minister explained in his second reading speech that the sections pertaining to the limitation of government advertising and travel expenditure - sections 191B and 191C of the 1992 Act - are not to be proclaimed - ever, presumably! One might speculate that this Government which has been consistently opposed to disclosure is willing to accept it on this occasion because disclosure is required by the commonwealth legislation.

Hon N.F. Moore: That was raised last time too.

Hon J.A. COWDELL: And very little is added by this piece of legislation. The Government is no doubt willing to accept it on that basis.

Hon P.R. Lightfoot: What do you think the Federal Government will do - close us down, if we do not conform?

Hon J.A. COWDELL: It might like to.

Hon Mark Nevill: Who is handling the Bill on the other side? Is it Hon Ross Lightfoot?

Hon J.A. COWDELL: The real colours of the Liberal Party were shown in the latest submission to the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament. Some of the key points of the submission, which are instructive but consistent with an anti-disclosure party, are as follows -

Commitment to basic principle -

In line with this basic principle the party -

This submission was on behalf of the federal party and all the state divisions, as stated in the covering letter -

- does not support requiring donors as well as political parties to disclose donations to the AEC either after a general election or at the end of a financial year.

That is, there would be no effective crosschecking. The submission further states -

The party strongly recommends the committee amend the Electoral Act so that political parties are no longer required to lodge an additional return following an election.

In other words, there would be no prompt disclosure.

Hon N.F. Moore: What does our Bill say? There is no point in quoting what the federal Liberal Party says; you should refer to the Bill.

Hon J.A. COWDELL: Do not worry, Mr Moore.

The PRESIDENT: I am wondering what relationship this has to the Bill.

Hon J.A. COWDELL: The Government has consistently argued that these clauses must conform to the commonwealth legislation. Much of the argument is that we must be in tune with what the Commonwealth is doing and conform to each clause.

Hon N.F. Moore: And you agree with that, do you?

Hon J.A. COWDELL: I do agree.

The PRESIDENT: I want to know what this has to do with the Bill. I read the Bill and I did not read anything like that at all.

Hon J.A. COWDELL: No, but clauses in the Bill refer to conformity with commonwealth requirements. In three areas, of which I have raised two, the commonwealth might change if the Federal Government adopts the view of the Liberal Party. We need to be aware of that because it was an argument in the Minister's speech as to what clauses should follow; that is, that we must be in tune with the Commonwealth.

Hon Peter Foss interjected.

The PRESIDENT: The honourable member is responding to my question. I do not want anyone interfering while he tries to explain to me how this relates to the Bill.

Hon J.A. COWDELL: The relationship is simply that the Government has argued that this legislation should conform to the commonwealth legislation or likely commonwealth initiatives. I am simply canvassing three likely

commonwealth initiatives. The third initiative was to raise the threshold for disclosure from \$1 500 to \$10 000. That was the point I was making, which is now in the past tense.

The next step is to look at this Bill in respect of the Commission on Government findings. The second claim that the Government makes, or refers to, is the need for this legislation to implement some of the changes recommended by the Commission on Government. Many of the Commission on Government findings are in accord with the 1992 Act, which is here enacted, hopefully substantively in its current form. Useful additions have been proposed by the Commission on Government. The Opposition has adopted some of those recommendations, as has the Government. The Opposition has always been willing to accept useful amendments to the 1992 Act as proposed by the Commission on Government.

Hon N.F. Moore: But not all of them.

Hon J.A. COWDELL: No, not all - only the useful additions.

Hon N.F. Moore: That is a useful comment.

Hon J.A. COWDELL: Chapter 12 of the Commission on Government Report No 2, Part 2, refers to political donations. Many of the recommendations were picked up by Labor's 1992 legislation, and some additional points - I pay credit to the Government in this regard - have been picked up by the Government in this amending legislation.

Hon P.R. Lightfoot: Those points are only recommendations - they are not dictations to the Government.

Hon J.A. COWDELL: Indeed, but I was about to compliment the Government on picking up some of the commission's recommendations.

Hon P.R. Lightfoot: Is the honourable member implying that we should follow those recommendations blindly as if they were directions?

Hon J.A. COWDELL: I did not say that; I said that there were some useful suggestions that could be picked up.

Recommendation 123 was unremarkable, but it suggested strongly that legislation be enacted before the next state election and that all legislative provisions dealing with electoral matters should be consolidated in the WA Electoral Act 1907. The Government is doing that by virtue of acting at this time.

Recommendation 124 stated -

Political parties should be required to lodge disclosure returns in relation to donations received by the party each year.

That is included in this legislation. The recommendation also states -

Individual candidates should be required to lodge disclosure returns in relation to donations received by them. Disclosures by a candidate should include any direct contributions made by political parties to the candidate's campaign and vice versa. This disclosure should be made after each election.

We certainly have disclosure by individual candidates who may not be covered by party returns.

Recommendation 125 is acted upon. It states -

Donors to political parties or candidates should be required to lodge disclosure returns for donations for political purposes. The Western Australian Electoral Act 1907 should be amended to include provisions similar to those in Division 4 of Commonwealth Electoral Act 1918.

That is acted upon. Recommendation 126, in regard to the original 1992 legislation, that interest groups should be required to lodge disclosure returns for donations has been acted upon, as has recommendation 125. Recommendation 127 - I raise this question with the Minister at this time - states that the definition of a donation, which is defined as a gift in the Commonwealth Electoral Act 1918, should be adopted in the Western Australian Act 1907. I understand there is some difference in the definition of "donation". I ask the Minister to consider before we get to the Committee stage whether this will cause any difficulty with the compliance requirements.

The threshold of disclosure was dealt with under recommendation 128. That is the proposal that requires parties to report donations of \$1 500 or above. That was contained in the 1992 legislation. The second proposal under recommendation 128 was that candidates should report donations of \$500 and above. This is a change to the 1992 Act, but a change that the Opposition will not oppose. It was also recommended that the Western Australian Electoral Act should be amended to require immediate disclosure of donations over \$10 000 by the recipient to the Western Australian Electoral Commission which releases this information to the public. That was not acted upon in the 1992 legislation and is not in the current amending Bill before us. Recommendation 128 requires the aggregation of donations to parties by an individual donor of between \$500 and \$1 499. If the total donations to one recipient exceed \$1 500 in aggregate, the details of the donations must be disclosed. I think we will need some

further explanation there. If someone does not keep records for amounts below \$500, how can they aggregate a number of \$499 donations?

Recommendation 129 refers to the Western Australian Electoral Act being amended to require that the true source of any donations over \$1 000 be disclosed. I do not believe this recommendation is being implemented, but I look forward to the Government's rationale in that regard. When we come to anonymous donations, the commission's recommendation 130 sets a limit of a maximum of \$5 000 in anonymous donations which may be received by a party in any one year. When disclosing the names of individuals or organisations from whom \$1 500 or more is received, parties should be required to take into account only individual transactions of \$500 or more in determining whether the threshold has been reached. I think that is in the legislation in some form. I have already sought an explanation there. Certainly we must have some threshold for anonymous donations. I have always felt that anonymous donations should be almost completely outlawed, otherwise how can we possibly aggregate and be assured that there are not in those anonymous donations significant amounts from one person?

Hon P.R. Lightfoot: We never send the cheque back because we never know from whom it came.

Hon J.A. COWDELL: Indeed. A sensible limit allows for Hon Ross Lightfoot to take a hat around at party functions attended by 5 000 of his ardent supporters.

Hon P.R. Lightfoot: That is just in the northern suburbs!

Hon J.A. COWDELL: Yes, let alone the eastern goldfields. Indeed, if we allow that category of disclosure, we have to have a threshold of anonymous donations before there is forfeiture.

Hon N.F. Moore: To whom?

Hon J.A. COWDELL: The commonwealth Act requires forfeiture to the Commonwealth. Is the Minister saying that there is no provision for forfeiture in our legislation?

Hon N.F. Moore: Where do you think it should go if someone pays too much?

Hon J.A. COWDELL: Recommendation 131 deals with trusts and foundations. Recommendation 132 was once again taken care of and is not altered from the 1992 Act, which ensures that there is no differentiation between donations for electoral as opposed to administrative purposes. That division is false. Although it was originally in the commonwealth legislation, it was taken out so that all donations were treated equally and we did not have that false division of donations. This Bill similarly does not make a false distinction between donations.

I notice that recommendation 133, which deals with ministerial fund raising, is not relevant to this Bill. Recommendation 134 of the Commission on Government report deals with restricting sources of donations. The commission wrote, "We see no reasons to place restrictions on the sources of political donations from trade unions, corporations or others." The formal recommendation is that no restrictions should be placed on political donations from trade unions or corporations, provided that the donations meet the requirements of disclosure contained in previous recommendations. The point I was making previously was that I would have hoped that this amending Bill would amend some of the industrial legislation that was passed last year, but if the Government insists on restricting donations from one source -

Hon N.F. Moore: It does not do that at all. It requires trade unions to be certain that is what their membership wants.

Hon J.A. COWDELL: Thresholds and hurdles are required before donations can be made which are not applied to other categories of donors, such as corporate donors. They obviously would not apply to individual donors. I take into account that in the 1992 debate some members opposite were adamant that certain classes of donations should be looked at very carefully. They canvassed the idea of prohibition in particular of overseas donations. The case is put that if we are to maintain a limitation on trade union donations, then we must look at the whole area of the limitation of donations and whether we should not entertain a prohibition on overseas donors, whether it be the National Rifle Association, which has been a donor, or the Baathist Socialist Party of Iraq. We must look at whether there should be a prohibition on donations from recently privatised government ventures. That is the area referred to by the Commission on Government with respect to donations.

Mr President, you will be happy to know that chapter 13 deals with electoral expenditure. The 1992 Act dealt only with donations, which is just one side of the equation. It did not deal with expenditure. Clearly, the most important side of the equation is donations, not expenditure, and that was the philosophy adopted in the 1992 Act. However, the royal commission and COG recommended that the expenditure side of the equation should be disclosed, mainly as a checking device. It enables one to crosscheck the expenditure, which is rather hard to hide, with what should be there in terms of donations. The Opposition accepts the recommendations of COG - that is, recommendations 135, 136 and 137, expenditure for administrative purposes, and 138, electoral expenditure by interest groups - and the royal commission in that respect and it is happy that the Bill before the House provides for disclosure of expenditure. Therefore, the expenditure side of the equation is taken care of.

I note that COG recommended that there be no spending limits on election campaigns. Spending limits on election campaigns are imposed in some countries to limit the requirements for large donations and to provide equity between candidates. In addition, it said that there are practical problems with policing spending limits and, as well, they may limit political liberty. COG did not recommend spending limits. I note that this amendment to the Electoral Act does not introduce spending limits. I do not think COG addressed in any real way the problem of escalating costs associated with election campaigning.

Hon N.F. Moore: It certainly hoped that donations would not be reduced.

Hon J.A. COWDELL: The point is that this side of the equation, which is relevant to the terms of reference of the royal commission and COG with respect to political corruption, needs to be addressed more thoroughly. This Legislature must consider the option of either limitation of expenditure or public funding in the next Parliament.

Hon N.F. Moore: What do you think about public funding?

Hon J.A. COWDELL: The best combination is that political parties and individuals not be overly dependent upon any one source of funding. Therefore, I look towards the devices of perhaps limitation of expenditure or public funding to broaden the range; not to provide a single or exclusive source, but to provide that spread where the bidding in the marketplace - there is only one donor in the marketplace; that is, the corporate donor - is crucial to political parties. They must do whatever they have to, to get corporate donations. That is the reason we must look at that area. I note in passing that it is not addressed in this amending Bill, but it is an area which will have to be addressed in the near future.

Hon N.F. Moore: What was your party's reaction to the COG recommendations?

Hon J.A. COWDELL: The COG recommendation failed to address that aspect.

Hon N.F. Moore: It recommended against public funding. Was it one of the recommendations which your leader supported?

Hon J.A. COWDELL: I do not know. It failed to address it by means of either limitation or public funding. It is the policy of the Australian Labor Party to support public funding. It introduced it in New South Wales and at a commonwealth level. It would support any such legislation at a state level.

I have already canvassed chapter 14 of the COG report which deals with other matters relating to political finance - privacy and political liberty. Recommendation 141 states -

The Western Australian Electoral Act 1907 should be amended to include provisions, similar to those in s.327 of the *Commonwealth Electoral Act 1918*, protecting donors from discrimination and intimidation.

The Labor Party supports that. I note there is a section in the 1992 Act that prohibits that. The question has been raised that this section is not the same as the relevant section of the Commonwealth Act, which provides a more effective protection. I ask the Minister to respond to this issue because the Opposition is supportive of that particular recommendation which deals with privacy and political liberty. Will he advise whether the section in the 1992 Act, which remains unaffected by this amending Bill, suffices or whether it would be advisable to look at the commonwealth provision? The other sections deal with the registers of donations and expenditure as well as the availability for public scrutiny. That is included in the 1992 Act and remains unaltered; it continues to be supported by the Labor Party.

The final sections of the COG report deal with enforcement, penalties and prosecutions. It recommends that the State Electoral Commission take care of investigation, enforcement and prosecution, which is what was proposed in the 1992 Act. Final recommendation 147 deals with public funding and taxation incentives. This Parliament cannot deal with taxation incentives. Therefore, I leave that as a comment by the Commission on Government. It is something that we cannot effect by legislative action through this Parliament even if we wished to do so. The current regime to encourage small donations with tax deductibility of amounts up to \$100 is suitable and is not in need of change. As I said, that is something that this Parliament cannot address.

The Labor Party is well aware of these recommendations. Some of us attended the Commission on Government hearings to make points on the funding and disclosure term of reference. The Labor Party would argue that that one area of the legislation be considerably tougher than that advocated by the Commission on Government or proposed by the Government in this amending Bill. I refer to the clauses limiting government expenditure on advertising and expenditure on travel. The clauses on advertising are referred to in recommendation 180 of the Commission on Government report, which states -

There should be no legislation or formal regulations for government advertising in Western Australia.

Recommendation 184 states -

No additional legislation should be introduced to regulate government advertising in Western Australia.

The Commission on Government said that administrative measures and industry bodies can adequately control the form and content of government advertising without the need for legislation. It said that it believes in regulation of government advertising to ensure a proper use of public funds and eliminate opportunities for its partisan political use. It said also that regulation should not be by legislation or formal regulations and that controls exercised over the media through determinations of the Advertising Standards Council are suitable means of regulating government advertising.

Recommendation 176 is also pertinent to this. It deals with a caretaker government and states -

The caretaker period should commence with the dissolution of Parliament in preparation for a general election. The caretaker conventions should cease upon the swearing in of the newly elected government.

Recommendation 178 states -

No supervisory body should be appointed to oversee observance of the caretaker conventions.

Recommendation 179 states -

The sanction of public opinion and the ballot box should remain as the incentive to observe the caretaker conventions.

I went to appendix 3 where I found the caretaker conventions; that is, there was to be no legislative action in this regard, just caretaker conventions. In appendix 3A on page 360 of the second report of the Commission on Government, I found what was officially determined to be the convention. It is a circular to all Ministers and chief executive officers, and is No 1 of 1993, signed by Premier Carmen Lawrence. The convention says, amongst other things, that thou shalt abide by the spirit of the 1992 Act with regard to limitations on expenditure for advertising or expenditure for travel until the Act is proclaimed. The previous Labor Government of Dr Lawrence observed that ministerial circular.

Hon N.F. Moore: There is some doubt about some occasions, Mr Cowdell.

Hon J.A. COWDELL: As it applies. The circular was No 1 of 1993. It did not apply before January 1993.

Hon N.F. Moore: I am not talking about before January 1993.

Hon J.A. COWDELL: The Labor Party would be tougher in this regard than the Commission on Government advocates or than this Government is willing to act on; that is, it would make sure that these restrictions were embodied in legislation, and when embodied in legislation, that they were proclaimed and that they did not remain a dead letter.

Hon Reg Davies interjected.

Hon J.A. COWDELL: It had something to do with the difficulty of advice on the advertising of the bush fire prevention advertisements and summer water restrictions - you name it.

Hon Reg Davies: Wasn't there some debate about those sorts of things when the original Bill was debated?

Hon N.F. Moore: There was, and Mr Berinson amended Mr Foss' amendments to deal with those problems Mr Cowdell claims are still there.

Hon J.A. COWDELL: It is my understanding, and the Minister may confirm this, that the current Government has not acted because of the same advice received by the previous Labor Government. The point I am making is that the previous Labor Government, having received that advice, was in office for only another month after it was received. This Government has been in office for three and a half years.

Hon Reg Davies: So the political will was always there!

Hon J.A. COWDELL: It should have been proclaimed regardless.

Hon N.F. Moore: You had no desire to proclaim it.

Hon J.A. COWDELL: However, the advice was taken. As I said, the Labor Party would be tougher than the Commission on Government proposes with respect to those limitations. The Commission on Government merely proposes reliance on the convention, which is Dr Lawrence's circular No 1 of 1993 to the CEOs.

Hon N.F. Moore: So you have changed your mind since 1993? You opposed Mr Foss' amendment. Are you now saying that you support that?

Hon J.A. COWDELL: We support that.

Hon Reg Davies: That is not in the new Bill anyhow.

Hon J.A. COWDELL: No, but it remains in the old Bill. However, we have the problem, referred to by the Minister in his second reading speech, that it will not be proclaimed. That is the point. We are supportive of the proclamation of those parts.

Hon N.F. Moore interjected.

The PRESIDENT: Order! Let the honourable member finish his contribution. He seems to be drawing to a close.

Hon J.A. COWDELL: We compliment the Government to the degree that it has maintained the 1992 Act, and to the degree that it has strengthened the 1992 Act by virtue of acting on the subsequent advice that it has received from the Commission on Government, but note that it has not acted on all the advice that it has received. The Labor Party accepts the overwhelming majority of recommendations of the Commission on Government on the strengthening of the 1992 legislation, although the Labor Party would be tougher than that regime proposed by the Commission on Government relating to limitations on government expenditure.

The final area I address is the Minister's claims and admissions, some of which are contained in the second reading speech. He refers to sensible housekeeping and, in the main, most of the amendments proposed are exactly that. The Opposition has no problem supporting those amendments. The Minister said -

A new section 15A will formally enable the Electoral Commission to require of those people employed as officers under the Electoral Act to make a formal declaration of their political neutrality. This is not a new practice.

However there are problems with the Equal Opportunity Act. I make the comment in passing that we assume the Minister has in mind no significant departure from the current declaration which has been used by the Electoral Commission for many years, as follows -

I of hereby declare that I accept the office of and that I will faithfully and impartially perform the duties of my office to the best of my understanding and ability.

I further declare that I hold no official position in connection with any political organization or election committee and am not actively connected with any political party or candidate.

That could perhaps be updated a little, but it appears to be unchanged.

Hon N.F. Moore: There is no intention to do that.

Hon J.A. COWDELL: The Opposition supports a declaration in that regard, provided it is not used to discriminate against anyone holding any reasonable political belief who performs his or her task with neutrality. The Minister also stated -

Section 63 of the Electoral Act is amended to ensure that the formal office of clerk of the writs is held by the Electoral Commissioner by virtue of his or her office.

The Opposition has no problem with that proposal. A further housekeeping proposal relates to the current \$100 nomination fee, which was described by the Minister as a trivial amount. The Minister said -

A deposit should not be so large as to deter any genuine candidate, but it should be large enough to serve as a reminder that standing for Parliament is not a trivial or frivolous matter. An increase to \$500 is not excessive and makes something of a contribution towards the cost of an election when the candidate has been unable to secure 10 per cent of the vote in a Legislative Assembly seat and 5 per cent of the vote in a Legislative Council region.

Those hurdles remain. The Opposition acknowledges that the Government, by virtue of its amendment on the Supplementary Notice Paper, proposes to decrease that nomination fee from the proposed \$500 to \$250. That is more in keeping with the fees in other jurisdictions, but the Labor Party will opt for the current level of \$100. It will oppose the amendment to increase the nomination fee, whether it be in the \$500 form or the \$250 form. The Opposition is of the opinion that a refund should be made to candidates who secure 5 per cent of the vote rather than 10 per cent as it is in the Legislative Assembly. I accept the evidence of the Minister's advisers that not many people will be affected by this change, but the percentage threshold should be lowered.

Hon Reg Davies: Why not standardise them all?

Hon N.F. Moore: And make it \$500 as it is in the Senate.

Hon J.A. COWDELL: I think we could consider a refund if more than 4 per cent of the vote were secured.

Hon N.F. Moore: Why not move to no contribution at all and then there would be no problem?

Hon J.A. COWDELL: That bears looking at.

Hon Reg Davies: Then you would get the ruffraff.

Hon N.F. Moore: That is what he wants. That is what half his colleagues are now.

Hon J.A. COWDELL: The Minister is concerned about trivial or frivolous candidates. Amounts in the order of \$500 -

Hon N.F. Moore: That is the price in the Senate and the New South Wales Legislative Council. It is not totally rare.

Hon J.A. COWDELL: I read a comment in the local Press from Bob Goodale of the Brand Greens Party. My colleague from Greens (WA) is not in the Chamber to appreciate this quote, which makes a very valid point in this regard under the heading "We will fight them at the cake stalls . . ." -

The vote and membership of the two major political parties has been steadily declining for nearly two decades. The solution for the Minister for Parliamentary and Electoral Affairs Norman Moore is apparently to raise the State Candidate nomination fees from \$200-\$500 and outspend the minor parties into oblivion.

This will certainly succeed in the short term, Brand Greens will be running fewer candidates in our region at the forthcoming State Election as a direct consequence of this impost.

A key comment is -

We have run effective campaigns on less than \$500 and it is perhaps a measure of our success that the power brokers seek to expunge us by changing the rules.

Nevertheless we shall fight them at Cake Stalls, the Quiz Nights, go on selling T Shirts and Green Socks, secure in the knowledge that people are sick of the political monoculture and more determined than ever to have a real say in the things that affect their lives.

That is a valid point of view.

Hon N.F. Moore: It is not shared by the Government.

Hon J.A. COWDELL: It is a point of view that hardship would be imposed on a range of candidates who represent a legitimate group in the community, and who may spend only \$500 on their total campaign.

The housekeeping changes will enable official paper for use in the printing of ballot papers to include not only watermarked paper, but also paper incorporating other security features. The Opposition has no problem with that proposal. A further amendment involves removal of the section which requires ballot papers to be exhibited, folded by the elector so as to disclose the initials of the presiding officer, to an electoral officer before being placed in the ballot box. That is housekeeping with which the Opposition has no problem. However, I note in some greater detail the following -

The new section 140A of the Electoral Act will follow the change to the commonwealth Electoral Act made in 1984 which enables votes to be counted as formal when a mistake has been made in numerical sequence. Currently, a number of electors in the Legislative Assembly, especially those disdaining the use of a how-to-vote card in a situation where there are several candidates, have had their votes invalidated through errors in numerical sequence even though their first preference was totally clear.

The Opposition supports that change. It recognises that it may introduce the Langer problem into Western Australia as it applies at the federal level; that is, persons marking their ballot papers 1 and 2 for minor parties and then 3, 3, 3. Western Australia has not had that problem in the past because if that is done it becomes an informal ballot. All a person needs to do is scratch out the 1 and the 2 and the vote becomes worthless, before he shows his contempt for those parties not of his preference.

Hon Reg Davies: If you advocate it, it is an offence.

Hon J.A. COWDELL: Yes, but the point in the case of the Commonwealth is that it is still a valid vote. In Western Australia, it is not a valid vote, and this will allow it to be a valid vote. We recognise that there may be problems, but we support the change -

Hon Reg Davies: Is it illegal to advocate voting in that way?

Hon N.F. Moore: It would be illegal now.

Hon J.A. COWDELL: I presume it still would be, and this Bill will not change that, but it would at least be a valid vote. We support that change, while recognising the down side.

Hon Reg Davies: But you cannot promote that form of valid vote?

Hon J.A. COWDELL: Not that form of valid vote, no, not at this stage, nor do I propose to move an amendment to that effect, as Hon Reg Davies would understand. The Opposition supports the change. We also support the change with respect to computerisation, which will allow for the keying in of ballot paper information and will speed up the counting for the Legislative Council. We will, of course, look to the Government's guarantee about the right of scrutineers to inspect the keying in process and to witness the counting of ballot papers as a necessary security to the process.

We welcome the other housekeeping matters, including the streamlining of the collection of fines. Electors will no longer have to undergo the process of offering an excuse and then being fined; they will simply send in their \$20, thus saving their time and a great many postage stamps. Electors will still be able to offer a legitimate excuse, even if it is the classic excuse of giving a biblical quotation, which is classed in the category of religious objection, provided it is the correct biblical quote, and thereby save themselves the \$20 fine. Generally, we welcome the streamlining of the procedure, because most people get the letter asking for the excuse and they do not respond, and far more people would respond if they just had to pay the fine or put in their excuse.

I note the Minister's comment in the second reading speech that this Bill in no way canvasses the principles of voluntary versus compulsory voting. I welcome the fact that, in line with the Commission on Government's recommendation, this Bill does not venture into the area of voluntary voting.

Hon Reg Davies: It is certainly worthy of some community debate, is it not?

Hon J.A. COWDELL: Yes, and it has been the subject of some debate, certainly before the Commission on Government.

Hon N.F. Moore: Perhaps COG did not spend enough time on it - a bit like the question of public funding.

Hon J.A. COWDELL: I understand from what I hear that it may be the subject of political debate at another level first, but perhaps that is just scuttlebutt.

Hon N.F. Moore: I think there is enormous merit in voluntary voting - mainly because you are so opposed to it!

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! The member has been trying valiantly to draw his remarks to a close, and I suggest that the Leader of the House cease interjecting and allow the member to finish his peroration.

Hon J.A. COWDELL: Thank you, Mr Deputy President. Do you mean that I will now get to make my substantive comments, having dispensed with the preliminaries?

The Minister then went on from his housekeeping amendments to the disclosure of political donations and expenditure, about which he made this key comment -

Part 3 of this Bill commences by an amendment to section 2 of this Act enabling the section of the Act dealing with disclosure to be separately proclaimed from those dealing with publications and travel. The priority in this legislation is to ensure that those sections of the Electoral Amendment (Political Finance) Act dealing with disclosure are made workable. The other sections are under review, but do not necessarily belong with amendments to the Electoral Act.

As I stated previously, the Opposition strongly supports the disclosure regime contained in this Bill. We also support the limitations on expenditure for government advertising and travel, and we will propose an amendment to deal with that matter.

The Minister said also that -

The amendments in part 3 of this Bill will bring the political finance Act provisions in line with those of the commonwealth Electoral Act. They also ensure that all candidates, including those running as Independents or for any purely state-based political party will be subject to disclosure.

We support that clause. It will provide for greater clarity so that expenditure after a state election may be disclosed; that is, not just in the annual report, but in an immediate post-election report. I will ask the Minister to give some consideration, because I cannot find it in the relevant Act, to whether that will require double reporting by donors. Although we support donors being required to report over a certain level, if in a year donors had to report to the Commonwealth and then also to the State, or make two reports, it might be an onerous provision, and I could not see whether there was a double up.

The annual reporting date for political parties will be 30 November. That follows the commonwealth reporting date and will be in almost identical terms. That amendment is welcomed. The disclosure of income received from associated entities and political parties is also welcomed. I raise the question here, because it is not immediately apparent, whether in some instances the disclosure from associated entities will follow an election and may, therefore,

cover a three year period, which will make it significantly different from the regime that applies to the annual returns of political parties. That difference needs to be looked at and perhaps adjusted.

The remainder of the Minister's speech deals mainly with conforming with commonwealth provisions and not imposing new onerous disclosure requirements, and that is welcomed. In conclusion, the Opposition is as disturbed by what is not in the Bill as it is by what is in the Bill; in particular, the stated intention of the Government to allow unlimited government expenditure on political advertising and official travel. I note that under this Administration in the order of \$70m has been spent on government advertising. Last financial year \$22 332 544 was spent on advertising - so much for the dire straits it found in Treasury after 10 years of the Labor Administration. Of course, there can be legitimate uses for state government advertising. However, most of this Administration's blowout in advertising has nothing to do with legitimate uses. The Minister for Transport, Hon Eric Charlton, ploughed \$500 000 into an antifederal campaign entitled Fix Australia, Fix the Roads while at the same time producing a glossy about providing the best roads for the future. Members all remember the glossy exercise. I was overwhelmed at my letterbox. The glossy on providing the best roads for the future was put into something like 730 000 letterboxes. Members were all impressed by that, and especially by the photo of Hon Eric Charlton and the Premier.

Hon N.F. Moore: Weren't you invited to the northern suburbs railway opening? I think that is your problem.

Hon J.A. COWDELL: Then the glossy with the graphs was placed in another 730 000 letterboxes, along with a pamphlet on the state Budget 1996-97 about paying dividends and the meet the Premier and talk to him glossies. There was a never ending flow. I then received a pamphlet about how the local government changes would affect me - not leaving it to the local government authority to say what new powers it would take up. Members saw the wonderful, in harmony commercials from Minister Kierath on workplace agreements. The latest stunt in my letterbox was "Proudly Western Australian" - of course, not a government publication. It was supported by \$75 000 in government advertising but nobody could possibly think that it was a propaganda sheet! Articles were about industrial rules changing and a \$1b roads infrastructure program to back the economy.

Hon N.F. Moore: You hate reading good news. It really upsets you. You take after your leader.

Several members interjected.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! The member promised me he was concluding. Please do not make him break his promise.

Hon J.A. COWDELL: Having been afforded your protection, Mr Deputy President, I am now able to bring myself to the body of the speech. With regard to those wonderful publications I must refer to this comment from Hon Peter Foss -

It is patently clear from the rash of glossy brochures which have been published recently that it is not legitimate Government expenditure; it is the Government paying for all its advertising material, pamphlets and holding election community meetings out of the public purse . . . I am pleased to hear that the Government is prepared to take some limitation on its advertising.

Unfortunately I cannot say that at this stage about this Government. He continues -

I have no problem with the rather extensive wording of Hon Joe Berinson's amendment which will insert a proposed new section 191B.

To conclude the quote -

If a Government knows when an election will be called it can make sure that all its election advertising is done - paid for by the Western Australian public - before the writs are issued. It will still have a few pieces of paper to hand out, but the damage will have been done.

They are prophetic statements. The Attorney General seems to have lost sight of the wisdom of his own words. The Labor Party is concerned about what is not in the Bill as well as what is in the Bill. No doubt a number of members received a letter from Senator Andrew Murray about this legislation. Senator Murray on behalf of the Australian Democrats - the normal political ally of the Government these days -

Hon N.F. Moore: Which Government?

Hon J.A. COWDELL: The Liberal Party at the last state election and at the last federal election in particular.

Hon N.F. Moore: Haven't you heard Cheryl Kernot in recent times?

Hon J.A. COWDELL: It may only be the Western Australian Liberals, Minister. Senator Murray went to considerable time and effort to present arguments to the Commission on Government. In a letter which I assume he sent to Hon Norman Moore as well he points out concerns about the definition of gift, the definition of electoral expenditure, the provision of a true source section, and the adequacy of the protection of the political liberty of

donors section. No doubt the Government will be willing to allay the fears of the House on those concerns, or point out why they are either unfounded or founded and will be the subject of action as a result of amendment.

Given your excellent protection, Mr Deputy President, I am now able to conclude my remarks as I started by pointing out that the Opposition will support this legislation, with amendment. It embodies many worthwhile changes recommended by the Commission on Government, but could do with additional changes, both recommended and not recommended by the Commission on Government.

HON KIM CHANCE (Agricultural) [9.09 pm]: First, I thank Hon John Cowdell for his learned dissertation on the Opposition's view on this Bill. It is not a particularly complex piece of legislation; nonetheless it is legislation which, because of its long history and the fairly contentious nature of some of the changes which have existed in the history of the Bill - as Hon John Cowdell pointed out - goes back to 1991 in a legislative sense, but far beyond that in the broader sense of the debate.

It is not surprising that we have some reservations about this Bill, but it is surprising that so much of the Bill does have support across the Chamber. The extent to which support does not exist does not apply to the key clauses of the Bill. We are critical of those areas of the Bill that one could argue are not central to the principle of the Bill or that we would have preferred to proceed at a quicker pace. However, our criticism is not about the philosophy of the Bill, and that is very encouraging. I acknowledge that this Bill has picked up much of the 1991-92 legislation. That is part of the reason for the degree of unanimity that exists. Nonetheless this is critically important legislation. I am pleased to see there is much agreement on the key elements of it, even though there might be some dispute over the speed with which it will be implemented.

I go to the question of disclosure that was dealt with at some length by Hon John Cowdell. I have no intention of going over the same issues. In fact, we can pretty accurately sum up the view of Hon John Cowdell and the Opposition about disclosure in this Bill by saying that it is better late than never. It is also fair to say that it could have gone somewhat further than it has; however, progress has been made. There is reason to note just how important disclosure legislation is. Members may be aware that I have a fairly complicated relationship with my view of how that great democracy of the world, the United States, actually works. Anybody who understands the history of the United States or has taken the trouble to read the Declaration of Independence cannot fail to stand in awe of what the fathers of that democracy set out to do. However, every one of us is able to observe the way in which the system of government in the United States works now and any one of us would be appalled by the institutionalised processes of payment to political parties and political candidates based on the lobbying system that exists in the United States. Equally we would be appalled to know the costs of campaigning in the United States.

This is a matter that is entirely relevant to this legislation. The disclosure provisions contained in part 3 of the Bill are all about preventing us from going down that same track. Even if we were to follow the example of the United States in the smallest fraction, we would have a system so corrupted by payment for services within the political system that we would find it impossible to live with it as it stands. How the Americans have managed to cope with it, I do not understand. However, that system had a different genesis from ours.

The intent of this legislation following, as it does, the commonwealth legislation is to try to prevent, as far as it is possible, that precedent being followed in this country. It is incredibly important that we do not drag our feet on disclosure legislation. For that reason, I fully support the comments made by Hon John Cowdell. I think we do know where we are headed in terms of requiring disclosure. We are also aware of the pitfalls that lie in our way and we are too slow in getting to the aims we have set for ourselves. Nonetheless what we have proposed here and what we are aiming at is worth fighting for, as far as I am concerned. I simply cannot imagine what it would be like were we to run into the same kind of difficulties that exist in the United States. In clause 8 the Bill contains an amendment to section 81 of the principal Act, which has already been referred to by Hon John Cowdell.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I am sorry to interrupt, but there is a constant murmur of conversation from all points of the Chamber. It is making it rather difficult to concentrate on what the member has to say. Would members who wish to conduct conversations do so outside.

Hon KIM CHANCE: As I was saying, the amendment applies to section 81 of the principal legislation; that is, the amendment that requires an increase in the required deposit from \$100 to \$500. I acknowledge that the Minister has listened to criticism which has come from the community on this issue to the extent that he has responded by giving notice of an amendment to halve that figure. Although I applaud the fact that he has listened to that criticism, I wish he had listened a little harder and introduced an amendment that would reduce the figure to its present level of \$100. There is no reason to increase the required deposit to \$500. There is also no reason to increase the required deposit to \$250. The argument used in the second reading speech on this matter uses terms such as outdated, trivial and frivolous in expanding on the reasons for the proposed increases.

I have no argument with the logic used in the second reading speech. The argument is fine, except that I cannot see there is any evidence of frivolous nomination in the Western Australian jurisdiction. In the absence of an apparent cause to introduce this change, the logic becomes irrelevant. The basis of democracy is that it should be open to

everybody. We do have a trend within the broader Australian electorate which has led to the support and development of a larger number of independents and minor parties. It does not particularly matter whether we think that is a good or a bad thing. Indeed, our opinion on that is pretty much irrelevant in the context of the preference of the electorate. However, we should do nothing that might alter or disable the ability of minor parties and independents to seek election.

It is fair enough to say that a nomination deposit figure of \$250 or \$500 is not an excessive sum, and perhaps it is not. I am not sure that those of us who represent the larger parties are entitled to make that claim. We are not particularly affected by the change. We are putting ourselves in a position where we are making judgment on something that may affect others, without its affecting us. The broader understanding is that in the major parties, something like the nomination deposit is a matter for the party to worry about and not for the individual.

I am always extremely uncomfortable when having to make a decision which will affect others, but not me. Those people who will, or might, be affected have a more legitimate claim for an opinion on this matter than any member of a major party; that is, those in a minor party, such as Greens (WA) and the Australian Democrats. Both of those parties have said words to the effect that this proposal is unfair and undemocratic. We must take notice of their views because they are the people more likely to be affected by the proposal.

If any evidence of frivolous nomination on a scale that was causing a problem in the Western Australian jurisdiction were available, I would probably follow the logic of the Government's argument. However, that precondition does not exist. From my observation, no evidence supports such frivolous nomination. If no evidence is available, it would seem that the required deposit of \$100, for which good reason may exist, is adequate. I have spoken to a number of people about this, and all accept that some level of nomination fee is needed.

Hon N.F. Moore: Why?

Hon KIM CHANCE: I was going to respond to that point earlier following an interjection the Minister made on Hon John Cowdell regarding the level at which to set the deposit.

Hon N.F. Moore: Why not make it free - why not pay nothing?

Hon KIM CHANCE: That is a fair question which needs to be addressed. The only reason that I would argue against the elimination of or a drastic reduction in the required deposit is the fear of frivolous nomination. I have no evidence of that so I take the conservative view: If it is not broken, do not fix it. If we cannot cite examples of frivolous nomination - perhaps the Government can do so - why make the change?

In the cases indicated to me - I will not mention the individual's name - relating to a consistently recurring candidate, of whom I am sure the Deputy President (Hon Barry House) is well aware, I cannot consider that person as anything other than a serious candidate. The very nature of democracy means that we must find a place for such people to have an expression in the political system. I do not regard that person - members may have made an identification in their own minds - as a frivolous candidate; he is a very serious candidate. People like him are good for our democracy.

Democracy is not about the Australian Labor Party, the Liberal Party and the National Party. The whole concept of democracy has a much broader link than that, and this link has changed from the 1940s and 1950s view of Australia. We are all being affected by the changes as we are influenced by the point of view of the minor parties and the Independents. In fact, a change in the structure of the major parties has occurred as they move towards the centre of the political spectrum, thus making it harder in the minds of many people to determine the way they operate.

I am nervous about any proposal to increase the deposit. With my colleagues, I will be opposing both the amendment Bill to make the deposit \$500 and the amendment proposed by the Government to make the deposit \$250. The Opposition's view is that the deposit should remain at \$100.

Hon N.F. Moore: Do you have a good reason for that? What was the reason in 1973 for your Government to make the deposit \$100?

Hon KIM CHANCE: I will answer the first question as the second question follows naturally from it.

Hon N.F. Moore: I think you're sucking up to the minor parties! It is as simple and as blatant as that. I never heard one word from you about the Senate deposit of \$500.

Hon KIM CHANCE: Will the Minister let me answer the question put by unruly interjection? I will address that.

Hon N.F. Moore: I have not heard one word in the past. Is that less democratic?

Hon KIM CHANCE: No change should be made from the \$100 simply because there is no apparent need to make a change. To the extent that the Senate deposit is now \$500, firstly, I had no role in that -

Hon N.F. Moore: You never said anything about it. You never complained about a lack of democracy in that regard.

Hon KIM CHANCE: Perhaps it did not occur to me. I did not have a role and a vote in the Labor Caucus which introduced that change. If I had, I probably would have made the same arguments that I make tonight. Australia has a limited number of senators from small parties, and there is a much smaller number of such members in the House of Representatives than in the Legislative Assembly or the Legislative Council. The impact of the increase in funding in relation to the number of candidates involved in a state election by a small party is significantly higher. Therefore, a small party running a Senate candidate must pay that \$500 once, but a small party running candidates in each of the six regions which comprise this place must fund -

Hon N.F. Moore: Do the parties not have not representatives in South Australia, the Northern Territory and other States? They are all in the Senate.

Hon KIM CHANCE: Other jurisdictions have made their own choices. Without the knowledge of why those jurisdictions made those choices, it is difficult to make a judgment.

Hon N.F. Moore: The Senate applies across Australia in all the jurisdictions, as it applies in all the regions in the Legislative Council.

Hon KIM CHANCE: There is a significant difference. I ask the Minister to consider the example I gave: A minor party in Western Australia seeks to run a candidate for the Senate and pays \$500 for all of Western Australia.

Hon N.F. Moore: Most of the parties you are talking about are national based and run a candidate in each State.

Hon KIM CHANCE: They might be. The Minister is varying the hypothesis in the hypothetical case. If the minor party has a candidate in each of the six regions, at \$200 each, even though the party is running one candidate in each of the regions, it must find \$1 200.

Hon N.F. Moore: Name one minor party which runs candidates in six of the regions which is not a national party?

Hon KIM CHANCE: There is not one, although the Greens (WA) go close - it is not a national, but a state, party.

Hon N.F. Moore: So is the Liberal Party of Western Australia.

Hon KIM CHANCE: So the Liberal Party has a national affiliation. Let us not apply facts to a hypothesis. The higher that one takes that figure, the more difficult it becomes for a small party to compete in the democratic process. Not all major party candidates will be exempt from it either, as those costs are not met by the major parties in all cases. In my case, we will run 11 candidates in the two Houses in the Agricultural Region, with seven Legislative Assembly districts and four members of our Legislative Council team. Therefore, with the deposit at \$500, we must produce \$5 500.

Hon N.F. Moore: But it will not be \$500. There is no point in talking about that.

Hon KIM CHANCE: Nevertheless, it is a significant part - even at half that figure - of our total budget for that campaign in that region. The total campaign budget is something like \$20 000. I know that, because I have to find it all, so that requirement would form a significant part of the budget. One-eighth of the total campaign funds for that region - a campaign which attracts more than 25 per cent of the vote in the region - would be chewed up by a totally unnecessary requirement.

Hon N.F. Moore: If you get more than 25 per cent of vote, you get your money back. That is a fact. Have you ever done your deposit?

Hon KIM CHANCE: No.

Hon N.F. Moore: So what are you complaining about?

Hon KIM CHANCE: That does not become available until after the election.

Hon N.F. Moore: You will spend it on advertising if you do not pay it.

Hon KIM CHANCE: I believe the Leader of the House has identified why this change is wrong and why he and I, as representatives of major parties, should not be making this decision or, if we are to make the decision, why we should at least be listening carefully to the opinions of the three people on the crossbenches.

Hon N.F. Moore: We will. We might make it free for them and just charge you!

Hon KIM CHANCE: They might have another view altogether.

Hon N.F. Moore: We will just charge the major parties!

Hon KIM CHANCE: I did not intend to say quite as much as I did; however, with the help of the Leader of the House I spun my speech out a little longer. With those few words I thank members for the opportunity to speak.

HON TOM STEPHENS (Mining and Pastoral) [9.31 pm]: I welcome the introduction of this legislation, by and large. I for one am a bit surprised by the nature of the legislation, because from previous experience of the Liberal Party in office I was anticipating that, towards the end of its parliamentary cycle, it would rush into the Parliament with legislation aimed at cementing itself back into office in the way that was previously done in the lead-up to elections when the Court-O'Connor Governments were in office in the early 1980s. At that time we saw the Government of the day several times move to change the Constitution and three times move to change the Electoral Act in ways that were designed to lock the Liberal Party into office on each of those occasions. Of course, those moves were not successful. The whole sweep of history was against the Court-O'Connor Liberal Governments at the time, and they were swept from office despite their best endeavours to lock themselves into government by those changes to the Electoral Act.

I was anticipating, with news of Electoral Act amendments coming through the system, that there would be within them some of the pernicious elements that were contained within the legislation to which we had grown accustomed in the late 1970s and early 1980s with the numerous attempts to change the Electoral Act in the way that I described. I commend the Minister for having so far resisted any temptation to ram into the Parliament similar initiatives aimed at locking the coalition into office.

Hon Bob Thomas interjected.

HON TOM STEPHENS: Legislation was rammed through the Parliament on previous occasions. Fortunately, one Bill was defeated in the lower House because of the valiant opposition of some of the Government's then members, including the Speaker in the Legislative Assembly, Ian Thompson, who voted against the electoral amendments that were proposed at that time that would effectively have disfranchised voters who otherwise would have been on the electoral roll and able to vote.

I am intrigued and delighted that the initiatives that were the past practice of the Liberal Party in this State have been resisted. I congratulate the Minister for that being the case. At the same time, however, I will refer to a certain aspect of the Bill, because the Bill could have taken a different shape. Yesterday I obtained a copy of the Liberal Party's submission to the Joint Standing Committee on Electoral Matters into the conduct of the 1996 federal election. The submission of the Liberal Party of Australia contained a range of initiatives for consideration by that committee, some of which I believe are quite pernicious in their intent and, if implemented, would potentially have a similar effect. I am pleased that the Liberal Party of Australia has not been successful so far in influencing the type of legislation coming before this Parliament, at least in some of this specific detail.

My colleague Hon John Cowdell has drawn attention to the fact that there are inconsistencies between some of the detail of the disclosure legislation that is now before the House and that which is contained in the submission to the Joint Standing Committee, specifically in the substance of the donation; that is, the threshold before disclosure, where the amount that would constitute the threshold - if the recommendations of the Liberal Party of Australia were adopted by the Federal Parliament - would rise from \$1 500 to \$10 000. That proposal is a significant change. I am pleased to see that is not a proposal within the current legislation. I strongly criticise the Liberal Party of Australia for urging on the Federal Parliament that change to significantly lift the threshold. The present threshold, the one referred to in this Bill, is appropriate.

However, a distressing part of the submission that is fortunately also not contained within the Bill - and its absence from this Bill is another reason that I am happy to support the legislation - is that part dealing with what it calls, with a quaint sort of misuse of language, "electoral integrity". This deals in passing with the notion of electoral fraud. The submission of the Liberal Party of Australia states -

The majority report of the November 1994 Report of the JSCEM -

That is, the Joint Standing Committee on Electoral Matters -

- found that there was no "objective evidence" of widespread electoral fraud. However, the Party believes this represents a complacent attitude to the issue of ongoing checks to ensure and preserve the integrity of the electoral system.

Fundamental to any ongoing inquiry into the electoral system is the need to ensure total vigilance in guaranteeing the integrity of the system.

We could have no objections up to that point; however, it starts to get nasty. It states -

The Party has long argued the need to strengthen enrolment procedures for electors.

That is another way, as one realises as one reads on, of making it more difficult for electors to enrol. We find that the Liberal Party of Australia is back to the old tricks that were involved when it used to shove legislation into this Chamber. Those tricks were the source of enormous disquiet in the other place and in this place as the Liberal Party tried to change the electoral process of this State. Now, the Liberal Party of Australia is trying to do that by virtue of its submission to the Joint Standing Committee on Electoral Matters.

Hon N.F. Moore: As you said quite rightly, this has nothing to do with this Bill.

Hon TOM STEPHENS: It has; it is the reason I support the Bill.

Hon N.F. Moore: It has nothing to do with it. If that were in the Bill you would have every reason to complain. You are making a speech about what is not in the Bill.

Hon TOM STEPHENS: I am giving the reason I support the Bill. I support it because the Government has not embraced this submission.

Hon N.F. Moore: If you used that for the foundation of your speech you could speak about anything you liked.

The DEPUTY PRESIDENT (Hon Barry House): The point has been made and it is difficult to justify relevance when one talks about something not contained in the Bill we are debating. Therefore, the member should draw his thread back to the Bill.

Hon TOM STEPHENS: I will, Mr Deputy President. I support this legislation because it does not contain those pernicious provisions within Bills of this sort which we have become used to at this time in the parliamentary cycle during previous incarnations of the Court Liberal Government. I am pleased they are not in the legislation. The submission argues specifically for the present system to require a prospective elector to sign and have witnessed a claim form with certain categories of people who can witness those electoral claim cards. That is the section of the Electoral Act that was specifically amended in the Court years in, I think, 1979.

Hon N.F. Moore: As a result of a judicial inquiry, as you well know.

Hon TOM STEPHENS: It was an Executive inquiry where the Liberal Party dragged out a discredited judge who produced a discredited report.

Hon N.F. Moore: You should say that outside.

Hon TOM STEPHENS: I am saying it inside with reference to Judge Kay, as I have on numerous occasions.

Hon N.F. Moore: You can attack his findings but -

Hon TOM STEPHENS: I attack both the findings and the misuse of that man by members opposite.

Hon N.F. Moore: That is rubbish; his recommendations were obvious because of the way people like you were enrolling people.

Hon TOM STEPHENS: His reports were a disgrace and the response of the Government was a disgrace at the time. Fortunately the people of Western Australia had the good sense to throw them out.

Hon N.F. Moore: You know better than anyone else why it happened.

The DEPUTY PRESIDENT: Order! I think the member has had adequate opportunity to relate his comments back to the legislation. His comments should refer more specifically to the legislation.

Hon TOM STEPHENS: The legislation would have received more fulsome support from me had it also included provisions that showed commensurate concern for improving the electoral rolls and protecting the electoral enrolment of Western Australians. Until very recently the Liberal Party of Western Australia especially has been conducting substantial roll cleansing exercises which have demonstrated the weaknesses of the Electoral Act. Those exercises were designed specifically to strip the electoral roll of substantial numbers of electors who, in the normal course of events, would be able to go to the election on any polling day and claim their vote. In the lead-up to the last state election, for instance, approximately 50 000 names were effectively cleansed from the electoral roll by the tactics deployed by the Liberal Party.

Hon N.F. Moore: I beg your pardon; the Liberal Party does not take anyone off the roll. The commission does. You should at least get your facts straight. Most people did not live where they said they lived but in some other electorate. You know as well as I do that that was the case. You should not claim the Liberal Party took them off the roll, because it did not.

Hon TOM STEPHENS: I said that the tactics the Liberal Party deployed achieved that result. The tactic is well-known. The Liberal Party sends out mail addressed to electors' street addresses in the full knowledge that, in many cases, mail so addressed does not get through to those electors because it is not delivered to street addresses in many parts of this State. In fact mail must be addressed to a postal address otherwise it will not be delivered, certainly in much of my electorate. Unless the post office box details are on the letter the mail is returned to the sender. In my electorate, for example, vast quantities of that mail have been returned to the sender. In that event the Liberal Party lodges an objection with the Electoral Commission, which then triggers a process of writing to the voters, too frequently to their street address. When the mail is returned, the commission concludes that those people do not live at their street address. In fact, all that is established is that the mail does not get through in many cases.

I would have been more fulsome in my support of this legislation had it contained protection for the electoral enrolment of ordinary citizens of Western Australia.

Hon N.F. Moore: So you can stay on the roll whether you live there or not. You and I know that is the case in many electorates in the north.

Hon TOM STEPHENS: I do not know that that is the case. Time and time again I have had to assist the same people to get back on the electoral roll.

Hon N.F. Moore interjected.

Hon TOM STEPHENS: I have my own special stamp.

Hon N.F. Moore: Then you tell them how to vote in the little schools outside the electoral booths.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: I am proud of the electoral education I have done in this State, in contrast to the colleagues of Hon Norman Moore who have stripped out of the federal Budget \$2m by closing down the Fraser and Chaney initiative which was to spend funds on electoral education throughout the country. This crowd - the Howard Liberals - closed down the Aboriginal voter education process in the country and stripped down the \$2m worth of budget -

Hon E.J. Charlton: They do not need educating; you have done it.

Hon TOM STEPHENS: I will get out there and do some more.

Hon N.F. Moore interjected.

Hon TOM STEPHENS: They have been educated at both a state and national level by members opposite since they have been in office. The 95 per cent of the Aboriginal vote for the Labor Party will probably rise even higher as a result of the Minister's initiatives.

The significance of my comments is that I would have been much more fulsome in my support of this legislation had there been some commensurate concern for the rights of ordinary Western Australians to protect their enrolment. Rather, this legislation completely ignores the essential and critical issue which confronts the people of Western Australia; that is, enrolment is not adequately protected. At the same time, by virtue of the submission to the joint standing committee on electoral matters, we see a prurient interest in keeping people off the electoral rolls in the nation. As I have demonstrated, the Liberal Party's submission shows that and refers to instituting procedures that would require new categories of people who could be utilised as a witness before being able to get on the electoral roll. No commensurate concern is shown by the Liberal Party's submission for protecting the legitimate electoral enrolment of ordinary Australians and ordinary Western Australians. The Liberal Party, both at state level by virtue of its sins of omission, and at federal level by its sins of commission - that is, this submission to the joint standing committee - deserves to be condemned for its deplorable, unhealthy interest in stripping people off the electoral roll at the first available opportunity and keeping them off the electoral roll. I hope that the Minister will appreciate that by now it is time his Government mended its ways and got on with enshrining within the Electoral Act hefty penalties aimed at parties such as the Liberal Party so that they do not constantly engage in cleansing the electoral roll in the lead-up to elections to affect the outcome by ensuring that people cannot vote.

One other provision appropriate to contain within this Bill is some attention to provisional voter entitlement. Under the current joint roll provision in this State, where the Commonwealth is left with overall responsibility for maintaining our electoral rolls, the Australian Electoral Commission has, in part, under its Act what appears to be a relaxed attitude to the electoral enrolment of many of its electors. It knows that if a person has been wrongly deleted from the electoral roll, under the commonwealth Act when the voters front up on polling day, the provisions relating to sectional voters entitle the voters to claim a vote. Those claims are much more regularly included in the final count by virtue of the commonwealth Act than is ever the case with the state Act. That is, the provisions governing provisional voters under the state Electoral Act are more stringent. Therefore, by virtue of the roll cleansing efforts by parties such as the Liberal Party, we find under the state Act those voters are not able to successfully claim their vote and have it counted in the state electoral process. That is in marked contrast to the commonwealth provisions, and highlights one of the difficulties and differences between the two jurisdictions.

I had hoped that this amending Bill would contain provisions that would relax the opportunity for people who have been wrongly struck off the electoral roll by the Electoral Commission to have their claim for entitlement to be included in the count to be more consistently successful, in a similar way to the success met at commonwealth level. If there had been some concern on the part of the Liberal Party in Western Australia and the Minister for Parliamentary and Electoral Affairs on these questions we might have been able to say that we have a balanced approach to the electoral roll and that they are genuinely talking about electoral integrity; but we are seeing a very lopsided approach to the electoral roll. That is, they should shut down any programs that might give anyone a chance

to get on the electoral roll, and at the same time tighten up the provisions of the Electoral Act to make it more difficult for people to get on the roll.

The submission expresses the Liberal Party's belief that adequate, prudential supervision of the electoral roll requires a more active roll review mechanism and recommends the following possibilities: Crosschecking details of the electoral roll with state government utilities and other holders of relevant information, such as Australia Post and Telstra, and increasing the level of scrutiny of details provided to the Australian Electoral Commission through habitation reviews. I commend that part of the submission, but only insofar as it is the type of check that is done before a person is stripped from the electoral roll. I have a classic example: One of the famous Western Australian artists, Doris Gingingarra, happens to live at Mt Magnet. She and her husband have been stripped from the electoral roll on a couple of occasions, despite the fact that they have never changed their address and they are on the telephone. When I noticed that they had been stripped from the roll, because their names had shown up in the deletion process, I phoned them and asked whether they still lived there. Of course, they had not moved. They indicated that they were still entitled to be on the electoral roll. Therefore I ensured that they received the electoral claim cards and got back on the roll. The Electoral Act should be amended to ensure that the roll maintainers utilise bodies such as Australia Post and Telstra to protect the electoral entitlements of Western Australians.

Another provision under the Electoral Act should be that when it is proposed to delete people from the roll it should be possible for such lists to be circulated to local authorities, members of Parliament and others. It should not be possible to strip the rolls of 50 000 voters. An entitlement which should be enshrined in the legislation, and which should be an amendment in this Bill, is an opportunity for local authorities and members of Parliament to consider such lists. They may be able to say that of the 50 000 names that the Liberal Party is about to strip from the roll, the following people are still entitled to enrolment at certain addresses. If such a provision had been contained in the Bill I would have been more fulsome in my support. Unfortunately, those provisions are not contained in it and, therefore, my support is somewhat qualified.

I understand that Hon Reg Davies is keen to speak on the Bill -

Hon Sam Piantadosi: We all are.

Hon TOM STEPHENS: It seems to be a night for the Independents and the Greens.

I regret that the legislation does not contain all the provisions I would have liked to see; nonetheless, in its current deficient form, it receives my support.

[Resolved, that the House continue to sit beyond 11.00 pm.]

HON REG DAVIES (North Metropolitan) [9.57 pm]: I support many of the initiatives in this Bill. However, I am disappointed that the Government did not take the opportunity to use this Bill to introduce more reforms which I know are fairly close to the Liberal Party. As a Parliament, we should be encouraging people to stand and to participate in our democratic process. We should do everything in our power to encourage citizens to stand for Parliament. We should not make it more difficult or try to eliminate the so-called ruffraff in our community - as some of the initiatives in this Bill will do.

I hoped that the Government would introduce amendments to allow voluntary voting. I am aware that people in the community are upset that they are forced to vote in an election in which they do not want to participate, and that if they do not vote they are subject to a fine. It is a ridiculous situation to force people to participate in that process when they do not want to. Strictly speaking, people are not forced to fill out a ballot paper. They are forced to have their names ticked off as having attended.

Hon Derrick Tomlinson: They are required to attend a polling place.

Hon REG DAVIES: And have their names ticked off the roll. If they do not do that they must then pay a fine. That is not a terribly democratic way of doing things.

In addition, the Government could have used this opportunity to introduce a different voting system, in particular the optional preferential system. We have gone part way there with the amendments. We have the ludicrous situation where a vote is valid until there is a break in the numerical sequence. That vote then becomes valid but it is an offence to advocate that publicly as a legitimate way to fill out a ballot paper. During the federal election a person was sent to gaol for doing that. What a stupid system! Here in this Bill was the opportunity to change that - to allow people to use that system of voting if they wished to do so. Many people look at the people standing for election; there may be five candidates, but there are three candidates for whom they would never vote because they represent something completely contrary to the voters' beliefs. For example, in the next election there will be many people who will not want to vote for the Shooters Party or for the Greens, and there will be many people who will feel very badly about putting a preference against the Hemp Party, but they must do so. There may be only two people for whom they wish to vote and the rest they never want to see in Parliament. There should be a system whereby they

can validly vote for only those two. The Government did not see fit to use this opportunity to introduce those reforms.

I am pleased to see that I may not have to wait three weeks to find out that I am officially elected after the next election as a result of the amendment that allows automated counting. I hope that within a week after the election I will know that I am back here for four years.

The Government seems to think that it is fair and equitable for candidates for election to a parliamentary seat to pay a \$250 nomination fee, which is an increase of \$150 on the current fee. Yet, when it was proposed to increase substantially the membership fee to join the WA Liberal Party - it was suggested that the annual subscription of \$20 be increased to \$50 - there was a general outcry among party members. They cited the need to keep fees down so that the Liberal Party could continue to be representative of the whole community.

Hon Kim Chance: That is because they the riffraff.

Hon REG DAVIES: Is that not what the Parliament is all about - having representatives from all walks of life? That was an interesting amendment. I acknowledge that the suggested new nomination is in line with the fees in the rest of Australia - the general fee for nomination for Parliament is between \$200 and \$250. However, the majority of the other States and the Commonwealth also require candidates to gain only 4 per cent of the valid vote to have that fee refunded. If we intend bringing Western Australia into line with the other States and the Commonwealth regarding the increase in the nomination fee, we should also bring that minimum percentage requirement into line. As I said, we should be encouraging candidates to nominate for a parliamentary seat. Increasing the fee and having a high valid vote percentage in order to get the refund will deter many smaller groups, individuals and emerging parties from nominating.

Often, even as an Independent, one may need to encourage a variety of other Independents to stand in lower House seats to attract votes for the upper House candidate. In some cases it may even be necessary for the upper House candidate to pay the nomination fee and all the other costs of the candidate running for a lower House seat. I am sure the major parties use this to their advantage as well - where they run what are sometimes termed "dummy" candidates or Independents to help them attract some of the preference flow back to their major candidate.

Another initiative that could have been included in this Bill - I hope it will be addressed in this debate and in the future - is public funding for elections. This is one way to encourage and allow people who want to nominate legitimately for a seat in Parliament to run a campaign comparable to that of their opponents. It is one of the fairest methods of political funding. We must look at that in the future.

I am unhappy about the increase in the nomination fee, but I accept it on this occasion. I hope that those in government, whoever they may be after the election in November, will consider these things and have the guts to bring them forward early in the next parliamentary sitting so that they can be fully debated and put in place for the following election.

Hon Derrick Tomlinson: That is a very sound suggestion.

Hon REG DAVIES: I support the Bill.

HON SAM PIANTADOSI (North Metropolitan) [10.07 pm]: I support the Bill. When one looks at what is occurring across Australia, obviously the fee paid by candidates nominating in Western Australia is out of line with the norm. Hon Kim Chance argued that there are no frivolous candidates. Hon Reg Davis referred to what he termed "dummy" candidates. Using such candidates is being frivolous and is abusing the system, because they are not genuine candidates. I guess both Hon Kim Chance and I know that is the case. It applies across the board and not just to the Labor Party.

Hon A.J.G. MacTiernan: That is very even handed of you.

Hon SAM PIANTADOSI: It happened in the Glendalough by-election. I received a telephone call from the Secretary of the Labor Party, who asked me, with two hours to go, to find a candidate and pay the nomination fee. The Labor Party needed another candidate, whose name I can give the member, if she likes; it occurs. This increase will probably affect Independents a little more than the major parties. I am grateful the figure has come down from \$500 to \$250. If we look at the North Metropolitan Region, with its 14 Assembly seats, I will be vying with Hon Reg Davies for a position. If someone pays the fees of an Independent candidate to run for the 14 Assembly seats, he will have to come up with \$4 500 and not just \$250. If he decides that because of the nature and mix of certain seats he may need to run two or three candidates to maximise his advantage, he will no longer have to pay \$250 but maybe \$750 or \$1 000, depending on what he is trying to achieve. For a person like me to field candidates and have a chance of winning it could cost anything up to \$28 000. If the candidate received the required 4 per cent of votes, he would not mind paying the money. However, in Assembly seats he would have to win 10 per cent of the votes to get back his deposit, so that 10 per cent is not guaranteed. If an Independent spent \$28 000 setting up other candidates and they were successful, he could get back \$250, but I do not think that all the candidates would be able

to achieve 10 per cent of the vote. It would be a very good result if they managed to do that. The investment made by Independents or any small party for seats in the Legislative Council becomes very much more. I agree that the fees need to be increased, even though I will probably be one of the people who will suffer more for it. As I said, I am grateful that it was reduced from the proposed \$500 to \$250, which makes it a little more bearable.

I have concern about people who fail to vote, for whom there will be a lot of uncertainty. I do not know whether the Minister has experience of people who for whatever reason have failed to vote at elections and have sought his assistance in connection with what occurred on the day. Leaving it open to them simply to pay a fine can have the effect of giving a false sense of security to people who might infer that they need pay only \$20 into revenue and not worry about it further. I guess that in trying to attract people to continue to have a say and to vote to ensure that the best result is achieved, the \$20 fine was meant to be a deterrent which would force people to vote. It is a very small amount of money compared with the amount for candidates. The Government is being frivolous with the amount of \$20. A lot of people do not consider \$20 to be very much. Rather than having to vote they would prefer to pay the \$20. Many would-be voters would take it for granted, pay the \$20 and think that was the end of it, not knowing that they would receive a letter in the mail asking them to justify their reasons for not voting. Once people get into the habit of not voting and simply paying the \$20, we will start setting a trend. The danger will be that more and more people will look at that option of paying \$20 without bothering to get into the car, drive to the polling booth and vote. It would probably cost them \$20 for the vehicle to go there and back, as well as the time involved. They would probably say, "I would much rather send a cheque for \$20." If the Government is to be dinkum about it and give people the option, it must look at upping the ante a little, as it has done with other fees, and make it \$40 or \$100 for those who wish to take up the option of not casting a vote.

The disclosure of expenditure is important and must take place. I have some concern with one area of donations and their sources. The Bill provides that if an individual makes three or four donations which amount to over \$1 500, a return must be filled in. What will occur if the spouse and other family members donate money under individual names and it tallies to over \$4 000 or \$5 000? Money could come from the same family or company but through individual members. I am not sure whether that is catered for under the proposals. The Minister has simply taken into consideration a figure coming from one source, by which he is probably meaning one person. If I received a donation from Hon Jim Scott's family and there were five brothers with spouses and they all gave me cheques for \$1 400, that represents \$14 000. They would not have to fill out a return because the donations were from individuals. However, if Hon Jim Scott gave me three cheques of \$500, which would tally up to \$1 500, a return would have to be submitted. The Minister may be able to clarify the position because there may be some discrepancy there. It may be that what the Minister wishes to achieve will not be achieved and there is a loophole.

I support the Bill. I acknowledge that changes had to be made to the amounts paid. I welcome the reduction from \$500 to \$250, as I have already said, and although I understand that some may want to abuse the system and be frivolous, for minor parties and Independents the ultimate cost may be considerable.

HON J.A. SCOTT (South Metropolitan) [10.20 pm]: Like previous speakers, I find that there are many good parts to this Bill. Many of the amendments are housekeeping measures, which include the speeding up of the payment of accounts, the change to the rules applying to electoral officers being able to have a leaning towards a political party and the change to modern technology, and provides that the returning officer will no longer have to sign all copies of the electoral roll. They are sensible changes.

The main problem I have with the legislation is the non-proclamation of those areas referred to by Hon John Cowdell. It is obvious that Governments use taxpayers' funds to promote their electoral chances. This advantage should not be available to parties which form governments, because they already have considerable advantages over other parties without having to use taxpayers' money for their use. Somebody would be hard pressed to convince me that some of the advertisements which have been published in the Press by this Government have been necessary. I referred by way of interjection during Hon John Cowdell's speech to the advertisements for the extension of sewerage works in this State. Everywhere one looked, one saw a picture of the Premier, who appeared to be actually digging the holes for the sewerage works. The most famous advertisement was the one which made reference to the previous Government as the reason for the \$50 levy on motor vehicle licences. It was a misuse of the Government's position.

Hon E.J. Charlton: The sad part is that the Government had to advertise the sewerage works otherwise people would not have known about the Government's new initiatives.

Hon J.A. SCOTT: Was it necessary to have pictures of the Premier flying over the city in a helicopter? It would have been more appropriate to send letters to the people who lived in the areas where the sewerage was to be extended advising them that their gardens and trees would be uprooted to provide for the extension to the sewerage scheme.

Hon E.J. Charlton: I thought you were an environmentalist and supported the extension of the sewerage scheme.

Hon J.A. SCOTT: I certainly support the extension of the sewerage scheme, but I do not support the self-aggrandisement of this Government. It was using taxpayers' money to pay for not only the extension of the sewerage

scheme, but also the irrelevant advertising. It was over the top and was blatant political advertising. The Government, when in opposition, made a great deal of noise about this sort of thing.

I object to the proposition that Bills can be passed by both Houses of Parliament and then enacted, but not proclaimed. Both Houses of Parliament decide whether to pass a Bill and, when it is, it is sent to the Governor for his assent. However, it appears that the Executive can decide not to proclaim it. That is not democracy at work. The Executive should not have the right to do that and this Parliament should introduce legislation which changes that process. It should be made more democratic and reflect what is decided in this place. Ultimately, Bills become Acts of Parliament, not Acts of the Executive. With my limited experience in this place, I had not realised that could occur. I will try to find a way to amend that process, because it is not right.

Most members who have contributed to this debate have found the proposal to increase the nomination fee of candidates to be contentious. I also find it a contentious issue. I am well aware of the Government's attitude to the idea of the user pays. However, consideration must be given to the reality of this proposal. Will government members pay that nomination fee? Of course they will not, because they will all receive 10 per cent of the vote and their nomination fee will be refunded. That may not be the case with the smaller parties. Only the smaller parties and the Independents will have to pay that fee. It is unfair on that basis alone. The Minister said that this proposal would bring this State in line with the other States. I have a list of the nomination fees which apply in all the States. New South Wales has the top nomination fee of \$500 for the Legislative Council and \$250 for the Legislative Assembly. The commonwealth legislation provides for a nomination fee of \$500 in the Senate and \$250 in the House of Representatives. I am aware that the Government has decided to decrease the nomination fee to \$250 following the pressure which was brought to bear by the National Party.

Hon N.F. Moore: It was my decision to decrease it.

Hon J.A. SCOTT: I commend the Minister for his action. The talk about frivolous candidatures is fallacious. Why should a candidate be more eligible because he has a lot of money? Why is a member of an extremist gun lobby group which has a lot of money considered to be a more eligible candidate than somebody who does not have any money, but has concern for the community?

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: I have heard about dummy candidates. My party has come across people who have been handing out the green coloured how-to-vote cards in Fremantle and they were pretending to be members of the Greens (WA). A complaint was made to the Electoral Commissioner. My party was very annoyed about that.

Hon Mark Nevill: I thought we were responsible for your presence in this House.

Several members interjected.

Hon J.A. SCOTT: An important difference is that once again the dummy candidates put up by the Liberal or Labor Party have a different backing to the candidates of the smaller parties.

Hon Kim Chance: They can probably afford the \$500 because they are party candidates; that is, if they were to exist.

Hon J.A. SCOTT: I was making the point that the bigger parties which have been or are in government receive large amounts of corporate sponsorship. The annual return for the last election indicates that the Liberal Party received a donation of \$8 000 from Bunnings. That amount also went to the National Party and the Labor Party.

Hon N.F. Moore: Didn't they give you any?

Hon J.A. SCOTT: It did not, funnily enough, because it knew we would not do it any special favours. That return also indicates that Cable Sands (WA) Pty Ltd donated \$7 300.

Hon E.J. Charlton: Did you get any assistance?

Hon J.A. SCOTT: I will talk about us later. Actually, ordinary people give us small amounts of money. We do not receive donations from vested interests. We are not in a position to say to Cable Sands that we will allow it to mine in a national park or an important heritage area.

Hon Mark Nevill: Yes, you are. You choose not to.

Hon J.A. SCOTT: Further on the report indicates that Wesfarmers, a woodchipping company, made a donation. The Government allows Wesfarmers to get hold of Western Australian trees for such a low price that the department that is giving the trees away runs at a loss. That company cuts that forest at an unsustainable rate.

Hon Mark Nevill: Wesfarmers or Bunnings?

Hon J.A. SCOTT: Wesfarmers owns Bunnings. Buckeridge donated \$30 000. We cannot say to Mr Buckeridge that we know that a council is against him putting a concrete batching plant at Neerabup on an area set aside for parks.

Hon E.J. Charlton: That happened before we came to government.

Hon J.A. SCOTT: No, it did not.

Hon E.J. Charlton: It did.

Hon J.A. SCOTT: I am afraid Mr Lewis overrode not only local government but also the State Planning Commission, which said it should not go there. It was then allowed to go there. After that, I understand from statements in this House -

The DEPUTY PRESIDENT (Hon Barry House): Order! I am struggling to establish the relevance of this argument to the Bill.

Hon J.A. SCOTT: I can easily explain the relevance. The relevance of this is that small parties do not have huge financial backing from vested interests, which give money to any side of Parliament from which they think they can get favours. There was a very famous case in the time of the previous Government. A Liberal fundraiser, Dallas Dempster, as he was described in the WA royal commission -

Hon N.F. Moore: I think you should read that very carefully, Mr Scott.

Hon J.A. SCOTT: As I remember, he had some position of raising money for the Liberal Party. He gave \$8 000 to the Liberal Party, but he gave \$800 000 to the Labor Party. He also ended up with the casino contract. That says to me that political allegiances sometimes go out the window for vested interests. Small parties do not get those sorts of amounts. They cannot raise that sort of money and they do not want those huge amounts of money. Clough engineering gave \$31 350. It was the preferred contractor for the Northbridge tunnel.

Hon E.J. Charlton: How did it win the tender?

Hon J.A. SCOTT: I do not know. However, I am sure the \$31 000 -

Hon E.J. Charlton: Are you implying there was crookedness in that?

Hon J.A. SCOTT: I am implying that the fact that it gave \$31 000 then, and probably in the future, to the Liberal Party did not hurt it.

Hon P.R. Lightfoot: The reason your party does not get funds is the same principle as feeding strawberries to pigs!

Hon J.A. SCOTT: Griffin Coal Mining Co Pty Ltd donated \$65 000 and we built a coal fired power station that we do not need and we do nothing about greenhouse gases. That is the reason that the cost of elections should not be pushed up, but should be pushed down. Whether it is true that those companies gave specifically to get what they want, it seems strange that some of these big companies give money to Liberal, Labor and the Nationals to influence a possible outcome -

Hon N.F. Moore: And they disclose it publicly.

Hon J.A. SCOTT: They only disclose it because the Federal Government made a rule -

Hon N.F. Moore: They don't give you any money because you want to put them out of business.

Hon J.A. SCOTT: Maybe we would, in some cases. Perhaps in some cases they deserve to be.

Hon N.F. Moore interjected.

Hon J.A. SCOTT: I do not know that the Liberal Party creates all that much wealth. I have not noticed it doing that. I am trying to get over to the Leader of the House that if these companies were giving because they followed a political philosophy, they would give it to a party that respected that philosophy. However, they give to all. That is extraordinary. There is only one interpretation I can place on that. I would like to hear why the Leader of the House thinks a big company gives to a number of parties with totally opposing views.

Hon Mark Nevill: How much did your last campaign cost you?

Hon J.A. SCOTT: I think we spent about \$8 000 in South Metropolitan. That was for lower and upper Houses.

Hon Mark Nevill: What did it cost you?

Hon J.A. SCOTT: It would have been about \$3 000 or \$4 000.

Hon P.R. Lightfoot: It was a cheap investment.

Hon J.A. SCOTT: It was a cheap investment. However, the reality is that I worked very hard and put in a lot of hours, which might have had something to do with it. I was also lucky. The reality is that small parties have limited funds, but have legitimate aims and aspirations to put to the community. I do not think anybody in this House would seriously say that the community is not concerned about environmental matters in this day and age. A large percentage of the community is very concerned about environmental degradation and what is occurring with our air and water at this time.

Hon Reg Davies: I hope every member of this House is concerned.

Hon J.A. SCOTT: That is a perfectly legitimate reason for putting forward a raft of candidates in the next election. Unfortunately, raising the money that is needed makes it much more difficult. As I said, New South Wales and the Commonwealth share what was proposed originally here. Now it has been dropped to \$250. The South Australian and Tasmanian amounts for their Legislative Councils are \$200, with the Victorian amount being \$250. The lower House amounts are: South Australia, the Northern Territory and Tasmania, \$200; the ACT and Victoria, \$250.

There is a big difference between the other States and Western Australia, in that candidates for a Legislative Assembly seat in Western Australia must secure 10 per cent of the votes in order to obtain a refund. In most other States the figure is 4 per cent. In New South Wales, for instance, where the nomination fee is \$500, the deposit is refunded if the candidate or one of the group ticket is elected, or the group receives 4 per cent of the first preference vote. It is much easier for people to reach that level at which the fee is refunded. That is the key. I propose to move an amendment in Committee to reduce the levels of 5 per cent and 10 per cent to 4 per cent in both Houses in Western Australia, to be in line with the figures in other States. In those circumstances the nomination fee of \$250 is not such a hard target. I point out that Liberal Party and Labor Party candidates do not pay that amount anyway, because their candidates reach the required 10 per cent and 5 per cent.

Hon N.D. Griffiths: That is because the people support us.

Hon Mark Nevill: It is because there are many sensible people.

Hon J.A. SCOTT: It is also because the parties have been around for a long time and they have a great deal more money to spend on their advertising. The total amount spent in 1993 by Labor was \$3 726 268, which is a considerable amount of money. I note that many of the corporate people I mentioned as donors to the Liberal Party, also donated to the Labor Party. I refer to Griffin Coal, Sons of Gwalia and Wesfarmers. Apparently these people support socialist philosophy and the liberal capitalist or marketeer philosophy.

Hon Mark Nevill: There is nothing wrong with giving money to the Liberal Party. It is just bad judgment.

Hon J.A. SCOTT: It is already an unfair contest with regard to money, and the argument is put forward that people are frivolous if they do not have enough money. It is nonsense and totally undemocratic. It should be chucked out. All elections should be funded by the State and strict limitations should be placed on the amount spent on campaigns. Every effort should be made to do it more cheaply.

Hon Reg Davies: Do you know of any State in which the elections are funded by the State?

Hon N.D. Griffiths: New South Wales.

Hon P.R. Lightfoot: The USSR.

Hon J.A. SCOTT: There are many ways in which the cost of elections could be reduced, and they could be made more democratic.

Hon Reg Davies: They could avoid the claims of corruption and favours.

Hon J.A. SCOTT: Hon Norman Moore was annoyed when I mentioned that earlier.

Hon N.F. Moore: I was not annoyed, I just thought you got it wrong.

Hon J.A. SCOTT: Does the Minister not think there is an argument that when a large corporation gives money to any political party which it thinks has a chance of winning government, it is perceived to be doing so because it is looking for some favour in the future?

Hon E.J. Charlton: Have you ever considered that they may give money because they believe the policies of that group agree with their policies, rather than the other way round?

Hon J.A. SCOTT: With both sides?

Hon E.J. Charlton: Yes.

Hon J.A. SCOTT: I do not think that is the case. It is highly unlikely.

Hon E.J. Charlton: We make our policies known before the election, not afterwards.

Hon Mark Nevill: You then break them.

Hon E.J. Charlton: We improve on them.

Hon J.A. SCOTT: One way of reducing the cost of elections and making them more democratic would be to stop the silly idea that the party how-to-vote cards cannot be used once left in the voting booths. Also, tonnes of paper is strewn around the countryside at election times as a result of the many how-to-vote cards handed out. People want to participate in the democratic process but they do not want how-to-vote cards shoved in their faces when they go to vote. Many electors are intimidated by people handing out these cards, and they do not want to face the charge of the light brigade.

Hon Mark Nevill: I found one of your cards in my letterbox the other day. You have not found one of mine in your letterbox.

Hon J.A. SCOTT: Under the existing legislation an Independent candidate, such as Hon Reg Davies, must make sure he has someone supporting him at 125 booths around the State.

Hon A.J.G. MacTiernan: It is his choice to be an Independent.

Hon J.A. SCOTT: I am pointing out the difficulties that Independents face. Can members imagine how difficult it would be for an Independent to win a seat in the Senate? It would be almost impossible.

Hon N.D. Griffiths: It has happened.

Hon N.F. Moore: We also have Greens.

Hon J.A. SCOTT: Greens (WA) is a party and it has supporters. It is easier for members of that party than it is for an Independent. I want to be fair. The Greens have an advantage over Hon Reg Davies and they sometimes help such candidates by handing out cards.

Hon Reg Davies: They did it at Marangaroo and Balga. I appreciated that.

Hon J.A. SCOTT: The Greens believe in fair play and democracy.

Hon A.J.G. MacTiernan: Who hands out cards for the Greens?

Hon J.A. SCOTT: The Greens hand out their own cards and have supporters to help them. Even if a major party cannot get members and supporters to do that task, it has a big bankroll from people such as Buckeridge to help them.

Hon A.J.G. MacTiernan: Who has the bankrolls?

Hon J.A. SCOTT: The large corporations, which put in money to help certain parties win government.

Hon A.J.G. MacTiernan: Are you suggesting that what the Labor Party pays goes to the Democrats?

Hon J.A. SCOTT: I do not know, but I do know that the Labor Party certainly has the ability to do that if it needs to.

Hon A.J.G. MacTiernan: Get real!

Hon J.A. SCOTT: I know that in the federal election, parties did pay people to hand out how-to-vote cards.

Hon N.F. Moore: We never paid anybody to hand out how-to-vote cards; I give an absolute assurance.

Hon J.A. SCOTT: I am talking about a huge advantage for big parties over an Independent in the how-to-vote situation. The argument that came to me against getting rid of how-to-vote cards at polling booths came from Fred Chaney, who said that it was the right of every member to help the party on polling day or any other day, but I reminded him of the Fitzgerald report, which said that the problems in Queensland had arisen from the interests of the parties being put before the interests of the public, and I think it is in the interests of the public that there be a democratic and fair election, not one which is weighted against Independents or minor parties.

Hon A.J.G. MacTiernan: Is not the problem with the Greens that despite all the rhetoric of its supporters, it is very difficult to get them to go out and make any contribution?

Hon J.A. SCOTT: We get most of our booths covered, and for most of the day; we do not get every one covered all day. It is pretty difficult for the Greens in places that are more out of the way. In some areas it is easy and in others it is not so easy, but we manage. However, it is difficult for an Independent. I am in a middle position in that respect, where we have quite a lot of support on election day.

Other ways of reducing the cost of an election have been suggested, without its costing the Government a large amount of money. Obviously the Federal Government would need to be brought into play in this respect so that a condition of licences being handed out to various media outlets, like the newspapers and the electronic media, was

that they were expected to give equal time and space to candidates at election time. People may think that is a silly idea, but after I first floated that idea, Rupert Murdoch made a comment along the same lines. He said that newspapers make a tremendous amount of money and there was no reason that they could not do that sort of advertising free.

Hon N.D. Griffiths interjected.

Hon J.A. SCOTT: Has anybody approached him? I am saying that the laws could be changed so that was part of the licence requirement. That would reduce the cost of elections. There would be less necessity for parties to get into debt and it would reduce the risk of corrupt practices creeping in with regard to parties' looking after the interests of wealthy people who wanted to exert political influence. We should aim to make elections less expensive and to have election campaigns which are more honest, and I am sure that if we had legislation such as I have just described, we could also ensure that the promises and statements made were accurate and honest rather than political point scoring. Some parameters could be put on that matter and we would probably have better elections than we have currently.

With regard to the loss of deposit, at \$500 per candidate it would amount to around \$30 000, which out of our budget would be very significant.

Hon N.F. Moore: That is unnecessary speculation. You can save the time of the House by ignoring it.

Hon J.A. SCOTT: It would still be \$14 250 for the lower House.

Hon N.F. Moore: Did you have candidates for the Senate?

Hon J.A. SCOTT: Yes.

Hon N.F. Moore: I did not hear you complain about that.

Hon J.A. SCOTT: In that case they only had to get 4 per cent.

Hon N.F. Moore: It would make no difference to you whether it was 4 per cent or 10 per cent.

Hon Kim Chance: What was your election cost for the Senate?

Hon N.F. Moore: You had only two candidates, so your cost was \$1 000.

Hon Kim Chance: It is a one-State party.

Hon J.A. SCOTT: We got the money back because we got the percentage.

Hon N.D. Griffiths: What did you get back?

Hon J.A. SCOTT: I do not know - I would have to find that out - but we got the nomination fees back.

Hon N.F. Moore: If we made it 4 per cent would you go up to \$500?

Hon J.A. SCOTT: I think \$500 is very difficult for a lot of people.

Hon A.J.G. MacTiernan: Particularly in small seats.

Hon J.A. SCOTT: Why is it that a person is serious only if he has money? If some radical from the extreme section of the gun lobby had a lot of money and wanted to bankroll a lot of people to stand, that would be okay, but if somebody wanted to -

Hon Reg Davies: Somebody who was barefooted and poor but who really wanted to contribute -

Hon J.A. SCOTT: It should be a democracy, not a "moneyocracy". I reject the argument that people who do not have a lot of money are not as worthy as somebody who does. People who have money already have an advantage with regard to the amount of advertising that they can do. As I said, I will move an amendment to change the levels from 10 per cent to 4 per cent and from 5 per cent to 4 per cent, with regard to the upper and lower Houses.

Hon N.F. Moore: Did you get your deposit back last time?

Hon J.A. SCOTT: Yes.

Hon N.F. Moore: What percentage of the first preference vote did you get?

Hon J.A. SCOTT: Of first preferences, five point something per cent. In some of the other States where they have the 4 per cent provision, they have not just one candidate but a group of candidates.

This Bill is aimed at reducing the influence of the emerging parties and the Independents, who are gaining an increasing voice in our community, and in fact it is against the recommendations of both COG and the WA Inc royal

commission, which said that it should be made easier for smaller interest groups in the community to gain parliamentary representation, particularly in this House. This Bill will make it more difficult for those people and easier for big parties. It will entrench in the system the current situation.

Hon Reg Davies: That is in the interests of both major parties.

Hon J.A. SCOTT: It is, but the Labor Party to its credit has said that it will oppose those clauses. If the Government were about being fair and democratic, it would reduce to 4 per cent the percentage of the vote that was required to get a refund and leave the current provision of \$100 in place. That is a perfectly adequate amount to ensure that people take it seriously. Who in this place or anywhere else has the right to say that someone's reasons for standing are frivolous? The House of lords and ladies here will say that some people are frivolous because they can come up with only \$200 instead of the \$250.

Hon A.J.G. MacTiernan: If you were running the show, would you have any requirement?

Hon N.F. Moore: He wants us to pay him to stand.

Hon J.A. SCOTT: I would like to see the State pay for elections.

Hon A.J.G. MacTiernan: I agree with that.

Hon J.A. SCOTT: I think the percentage is the key. If someone has a serious campaign and gets a reasonable percentage of support, he should not have to pay anything.

Hon A.J.G. MacTiernan: You can imagine what would happen if you did not have any deposit system at all: Literally hundreds of people would nominate.

Hon J.A. SCOTT: I can imagine that we would tend to get people who were silly. The deposit system will cut out the frivolous people without money; we will still get the frivolous people with money.

Hon A.J.G. MacTiernan: What are you saying should be the case?

Hon J.A. SCOTT: I am saying that any person who wishes to stand should be able to stand as a candidate for no cost at all.

Hon P.R. Lightfoot interjected.

Hon J.A. SCOTT: I am sure the member from the land of gentry would have that attitude. However, the reality is that we are supposed to be living in a democracy, not a "moneyocracy". I will support many aspects of this Bill, but I will oppose the increases in the fees and will move an amendment that the percentage of the vote that is required to be won before the deposit must be refunded is decreased to 4 per cent in line with other States.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.03 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Westrail Right Track Program, Pamphlet Issued in Albany

HON BOB THOMAS (South West) [11.04 pm]: I understand that while I was outside the House during question time Hon Murray Montgomery asked a question of the Minister for Transport about a pamphlet that was circulated in Albany last week. I believe that the Minister delivered a desultory answer and indicated that he believed the information in the pamphlet was misleading. However, unbelievably, towards the end of his remarks he admitted that the information in the pamphlet was correct. The pamphlet the Opposition issued in Albany last week informed people that since the Right Track program was introduced in Western Australia last year Westrail had been downsized by about 1 345 employees. Albany lost all 35 of its Westrail employees through that program. As a result, there are no mechanical or engineering staff repairing the trains in the workshop in Albany. The pamphlet informed people that as a result of that program, workers travel from Northam to fix the trains in Albany.

Hon Kim Chance: On \$100 a day expenses.

Hon BOB THOMAS: Yes. In answering the question the Minister indicated that he felt the information the Opposition issued was misleading, but unbelievably towards the end of his remarks admitted that the information was correct. Did the Minister say that the worker went to Albany once every three weeks?

Hon E.J. Charlton: Yes.

Hon BOB THOMAS: The Minister has admitted that the information the Opposition included in that pamphlet was dead right. It said that Westrail workers from Northam were travelling to Albany to repair Albany's trains. Is that misleading?

Hon E.J. Charlton: You didn't say that it was one person who goes there once every three weeks.

Hon BOB THOMAS: More than one person is involved.

Hon E.J. Charlton: You also did not comment on the changes to improve Westrail's operations.

Hon BOB THOMAS: That is right. The Minister said on 16 May 1995 that this program would be a modernisation of Westrail. Apart from workers travelling from Northam to fix the trains in Albany, much of the maintenance work on the locomotives and carriages is performed at Northam. I am told by people close to Westrail that on one occasion when a train load of wagons was taken to Northam for repairs one was so badly damaged that it broke down and caused a derailment. I would like to know how much it cost to fix that.

Hon E.J. Charlton: By the list of stupid questions you've asked over the past couple of years that are totally without foundation, I am not surprised at anything you say.

Hon BOB THOMAS: I am glad the Minister enjoys them. In addition, a fleet of cars are driven all over the wheatbelt and great southern to replace the crews. A train crew might head off from Wagin to Lake Grace or Lake King and when driving the train will see a white Westrail vehicle on the side of the road flagging them down because it is time to change crews. This is the sort of Mad Hatter's tea party that is occurring in Westrail now.

The Westrail depot that formerly had mechanical and engineering staff fixing the trains in Albany has been let out. The Labor Government built that depot because of the old configuration of the marshalling yards. When the trains came into the port to unload their grain they had to zigzag across the marshalling yards to be refuelled and reoiled, to have their sillage pumped out and sand topped up. Sand is poured onto the rail in front of the trains so that when the brakes were on the wheels have something to grip. The Labor Government felt that that was inefficient and it built a \$1.72m shed to have all that done in one spot. That saved 40 minutes on the turnaround time of those trains. Under Hon Eric Charlton's brave new world for Westrail that shed will be leased out to a private contractor. The Minister has put out a tender for another operator to provide all that service at a hardstand, east of Co-operative Bulk Handling Ltd, with no cover or shed. One person will need to have enough diesel - I think 40 000 litres are required - as well as oil and sand and a pump to pump out the sillage from the toilets of the train.

This person will be doing this job at any hour of the day or night in Albany in all types of weather, not under cover. Members might also remember Hon Eric Charlton said that under the Right Track program the workers who were displaced would have an opportunity to tender for that work. One former Westrail employee obtained the tender documents. He calculated it would cost him almost half a million dollars to obtain the equipment to tender for that work. The work must be done in primitive conditions, in the rain, in the middle of the night by a contractor who is required to have equipment worth half a million dollars to be able to tender. I do not think too many Westrail employees will be tendering for the work.

I said earlier that there seems to be a Mad Hatter's tea party running Westrail these days. I am told by Westrail people that a couple of months ago a train broke down at Kendenup, about 20 miles north of Mt Barker. Apparently a Westrail employee, a fitter, was brought in from Northam. He climbed up onto the train and realised there was a problem with the computer. In less than 10 minutes he had reset the computer and the train started and went. I also read in the *Albany Advertiser* that the Westrail employee involved in that incident was brought down by charter plane from Geraldton to Northam and, having clocked on at Northam, he drove to Kendenup. I want to know whether that is correct, and I have put a question on notice about it. To bring somebody from Northam to reset that computer is absolutely bizarre, but to fly that person in from Geraldton first is even more bizarre.

Hon Eric Charlton also told the House that the pamphlet put out last week had a picture on it and that we claimed the tradesman from Northam was in the background. Hon Eric Charlton tried to tell the House that no tradesman was evident in the picture.

Hon A.J.G. MacTiernan: We all know he is going blind; we want to know why.

Hon BOB THOMAS: That is right. He must have been looking at a faxed copy of the picture. The photograph we took on 4 August quite clearly shows a tradesman welding on the back of a truck in front of the Westrail depot. It is also quite clear that the locomotive is inside the depot. I am quite happy to send to the Minister the original photograph that was taken - there are two very handsome gentlemen in the foreground, Mr Matt Benson, the Australian Labor Party candidate for Albany, and me - so Hon Eric Charlton can get up in the House and indicate he was wrong. He misled the House when he said that no tradesman was evident and no train was there. The locomotive was in the shed and the Minister will be able to see it if he looks at the photograph.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [11.13 pm]: The comments of Hon Bob Thomas about this little misdemeanour are obviously a forerunner in the lead-up to the election and are part of the Australian

Labor Party's negative policy that has been picked up by everybody in association with its leader, Mr Jim McGinty. Members opposite must be negative about everything and tell the whole country that the world will fall in.

Hon Bob Thomas interjected.

The DEPUTY PRESIDENT: Order!

Hon E.J. CHARLTON: That is not correct either. Will Hon Bob Thomas now put out another circular to give some truth to the people of Albany and surrounding areas and tell them that in its overall operation within the State, Westrail has reduced its operating costs by \$70m?

Hon A.J.G. MacTiernan: We don't believe it.

Hon Bob Thomas: The jobs have been reduced.

Hon E.J. CHARLTON: Yes, that is so. There have been massive reductions in jobs. Will Hon Bob Thomas tell people the truth for a change? He should see how he goes when he puts out a little pamphlet stating the truth, rather than running a scare campaign. Another thing he can tell those people about, as I mentioned earlier today, is the \$3m improvement on the *Australind* and the *Prospector*. During the Kalgoorlie by-election, I copped a charade of misrepresentation by the candidate for Kalgoorlie at that time saying that the Government intended to close down the *Prospector*. On the opening day of the Parliament Hon Kim Chance - it might not have been him; it might have been another member; it was probably Hon Tom Stephens - asked me a question about this matter to give the impression that the *Prospector* was to be closed down.

What is the latest issue? It is that because the Government is to spend \$3m on the *Prospector*, it will be privatised. Those opposite must have forgotten that the Government is supposed to be closing it down because now they are suggesting that we are getting ready for someone in the private sector to take it over. This is the sort of total misinformation the people of Western Australia will be subjected to over the next few months in the lead-up to the next defeat of those opposite at the coming election.

Those opposite do not like to see anything positive happening. They will not come to terms with these matters and come out with sooe policies to tell everyone what they will do with Westrail. They will probably say that they will put back the 2 000 people who have left; they will reopen the Midland Workshops; they will put up the freight rates by 25 per cent, because that is the figure they will probably have been reduced by during the term of this Government.

Hon Kim Chance: He has been reading our policy document.

Hon E.J. CHARLTON: They will say that they will cancel the orders for the 24 new locomotives; and they will give the friends whom Hon Bob Thomas purports to represent the old locomotives. I also saw a letter to the editor of the local newspaper in Albany from one of the mates of Hon Bob Thomas. He should just listen to this because it is the truth. He should write something about this matter. The letter complained about all the old locomotives and the conditions in which they had to be driven. Of course, this is the case because those opposite, when in government, would not buy any. Now the very people whom he is supposed to be supporting will get 24 new locomotives, built right here in Western Australia, by Western Australians, for the benefit of Western Australia, and to use on the Western Australian railway lines on which we will spend \$250m to upgrade the mess that those opposite left behind. Will Hon Bob Thomas tell the people in Albany that? Of course he will not, but I tell him this: I will. I will make him look as stupid as he is for the misinformation he has put around. I am looking forward to the policy of the Labor Party on the future of Westrail. Will those opposite put back the 2 000 people who have left? Will they put back all the old locomotives, cancel the order and take away the jobs and the new technology? Will they open up the Midland Workshops? We will see how well they go. I challenge those opposite to come out with their policy on Westrail and tell us what they will do about it.

Adjournment Debate - Parliament House, Occupational Health and Safety

HON TOM HELM (Mining and Pastoral) [11.18 pm]: I, too, need to speak about a question I raised in question time with the Leader of the House. He pointed out, quite rightly, that the question should not have been directed to him. Because we do not have the ability to question the President - perhaps we should have that ability- I thought the Leader of the House was the only person who could answer the question I put to him about health and safety in this Parliament.

Yesterday we were told that the Minister for Labour Relations advised a group of people that this is to be Western Australian Safety Week; that tomorrow would be "spot a hazard" day; and that Parliament House would be targeted on that day. As a result I asked a question -

Hon Mark Nevill: Is he inspecting some of the offices down there without the lights on?

Hon TOM HELM: I asked the Leader of the House whether he was aware of the statements and what he intended to do. I need to put on record my apologies for any inconvenience I may have caused to the President in asking that

question. It shows how we work in this place. As the President is the direct employer, and as we are not allowed to ask questions of him, it was incumbent on me to ask the Leader of the House the question. In asking the question, I pointed out to the House that this was a blatant political stunt by an incompetent Minister.

Hon N.F. Moore: I think you've got it all wrong.

Hon TOM HELM: He does not recognise that any safety audit worth its salt is not carried out by one person and does not belong to one person, whether it be an employee, an employer or a member of the Government in this place. Safety is everybody's responsibility.

This Government has been trying to disseminate that message, along with the previous Government and every responsible employer in the State. Some employers - and some better than others - do well in presenting the view that safety is everybody's responsibility. A safety audit involves all people involved in the workplace. Therefore, in Parliament House, it would be necessary to inform every section head, every employee and, in this case, every employee representative - that is, the trade unions or the peak representative groups - that it is to be conducted. In that way everybody is involved.

In relation to safety in the workplace, and particularly in this place, some questions need to be asked. I take pride in attending almost every annual and general Joint House Committee meeting because I am interested in what happens here. I am not only a worker in this place, but I also feel responsibility for my fellow workers, be they permanent employees or members of Parliament. As a result of that stupid statement by the Minister, I found out that in 1990 former Speaker Barnett asked the Fire Brigade to check the building in relation to fire hazards. Members will recall that this building is not subject to some of the regulations to which other buildings are subject. That report is a long and detailed report which is hard to understand. It would be useful for members to know what has taken place since that report was commissioned. What changes have taken place?

We have lost many of the Hansard dog boxes on the third floor, which is to be welcomed. What changes have occurred regarding electrical, worn carpet and other fire hazards? I do not take much notice of these matters around us, even though I was a safety representative for Hamersley Iron when I worked as a rigger and I was trained to note such things.

On 21 April 1994, a report was prepared by the Media, Entertainment and Arts Alliance, which has members in this place, and another report was prepared by the Fire Brigade regarding whether fire exits complied with the standards with which other places must comply. It will be interesting to see what happened with that report and what changes were made as a result of it.

I now refer to the report instigated by Media Alliance known as "Survey of Accommodation and Conditions", which contained the following paragraph on general safety -

The fact that corridors have been cut in half and had office partitioning erected as well as corridors actually being blocked off to house more people raises all sorts of doubts about safety.

Over the years entrances, hallways and external doors have all been closed in.

As we are aware, some of those doors are locked. It continues -

Exits are not clearly marked and sometimes not particularly accessible.

Access to the first level is via staircases at the very ends of the building (at the back) and a central staircase at the front of the building. There is also one of the world's slowest elevators near the central staircase in the entrance foyer.

Chairs are placed in corridors and used for meetings.

Members see the use of corridors for meetings, yet the significance and importance of those events does not come home to us until someone like Kierath points out, for his political purposes, some of the things he will do.

An inspection of Parliament House took place on 20 April 1994 by Bill Bryant, Amanda Keynes and Jacqui Hills, of the MEAA. That report related to the Hansard area, to which some changes have been made. However, the report pointed out some serious matters. Photographs were taken, which members can examine, outlining some of the problems we face.

I join the Minister for Labour Relations in indicating that we should take every step we can to make Western Australian workplaces as safe as we can. However, the emphasis must be on the individual taking responsibility for his or her work area; it cannot be done by political stunt or by one person. It is a matter of awareness and a duty of care for all of us. It seems strange that the structure of this place is dependent on money being supplied by the Executive, yet responsibility for a safe workplace in Parliament House resides with the Speaker and President. In this case, that responsibility should not be sheeted home to those people, and that is why I asked the question of the Leader of the House, a senior representative of the Government which provides the money and wherewithal to

improve the safety in this place and to give us a more harmonious workplace. The Government should give us air-conditioning in summer, heating in winter, and working hours which are more conducive -

Hon N.F. Moore: I do not believe this. I sat here for 10 years and you guys did not spend one cent.

Hon TOM HELM: I am not making these comments on a party political basis on behalf of the Labor Party at this stage.

Hon N.F. Moore: Oh, really!

Hon TOM HELM: The Minister should not get excited.

Hon N.F. Moore: What you're on about is not factual. You should talk to Minister Kierath some time. I think what you are talking about has no foundation.

Hon TOM HELM: The Leader of the House does not know what he is talking about; he never knows what the Minister is saying. Whether he is misunderstood or not, people understand what Minister Kierath will do. We all have some responsibility for those things and this problem cannot be solved by political stunts. I am not saying that this problem is the fault of this or the past Executive as it is a cumulative matter, and we are all the guilty party. I hope the Leader of the House does not think that I put myself in the same shoes as Mr Kierath. If the Minister wants to indulge in political point scoring on this matter, he should be careful. Safety is everybody's responsibility.

Question put and passed.

House adjourned at 11.28 pm

QUESTIONS ON NOTICE**CHILD MIGRANTS - PUBLIC RECORD OFFICE FILE ACC 1193 AN 288-1 2356-50 CHILDREN'S
MIGRATION VISIT BY JOHN MOSS**

114. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

With reference to the Premier's reply to question 392 of 28 March 1995 -

- (1) Did the Under Secretary for Lands and Immigration, and Mr A. Young of the Child Welfare Department, and Mr F. Mather of the State Immigration Department attend a meeting at which there were representatives of institutions holding child migrants, the minutes of that meeting occurring as folios 23 and 24 of Public Record Office file ACC 1193 AN 228/1 2356/50?
- (2) Do those minutes record that the meeting was convened so that uniform answers could be given to various questions asked in a questionnaire prepared for the visit to Western Australia by Mr John Moss CBE of the United Kingdom Home Office Children's Branch who was to visit such institutions to report on the care of child migrants in Australia?
- (3) Do those minutes also record that the meeting agreed that question 10(a) of that questionnaire was to be answered with the words "Mainly by loss of privileges" (sic), indicating the way that discipline was maintained in those institutions?
- (4) Does the Moss questionnaire occur as folios 13 and 14 of Public Record Office file ACC 1031 AN 145/2 662/52 "Children's Migration, Visit by Mr John Moss"?
- (5) Do the responses of Father Cyril Stinson, Director of the Catholic Episcopal Migration and Welfare Association (Inc.) occur on folios 26, 27 and 28 of that file, with Father Stinson's signature appearing at the foot of the responses on folio 26?
- (6) Did Father Stinson answer question 10(a) by saying that "the general environment of all these homes is an extremely happy one. Discipline is enforced by deprivation of privileges"?
- (7) Will the Premier advise what was asked in questions, 5 10 and 11 of that questionnaire?
- (8) Will the Premier now tell the House what responses Father Stinson made to Mr Moss, the officer from the United Kingdom Home Office, to those questions 5, 10 and 11?

Hon N.F. MOORE replied:

The Premier has provided the following reply:

- (1) Yes.
- (2) The minutes of the meeting at folios 23 and 24 of Public Records Office file ACC 1193 AN 228/1 2356/50 state that "... it was decided to convene a meeting so that uniform answers could be given if possible, to the various questions asked".
- (3) Yes.
- (4)-(8) File 662/52 "Children's Migration: Visit to WA by Mr John Moss, CBE December 1951 - February 1952" does not exist within ACC 1031 AN 145/2. From investigations, it appears the file details may be incorrect. I am, therefore, unable to answer questions 4, 5, 6, 7 and 8.

CHILD MIGRATION - QUESTIONNAIRE; STINSON, FATHER; MOSS, JOHN

158. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

With respect to the answer to question 392, part (3), on Tuesday, 28 November 1995 concerning a child migration questionnaire in which the Premier said "The Government has no record of Father Stinson's responses to these questions -

- (1) Does file ACC 1031 AN 145/2 662/52, "Children's Migration: Visit to WA by Mr John Moss, CBE December 1951 - February 1952" exist in the Public Record Office of Western Australia?
- (2) Does a questionnaire exist as folios 13 and 14 in that file?
- (3) Does a response to that questionnaire, signed by Reverend Father C Stinson, Director Catholic Episcopal Migration & Welfare Association (Inc) appear as folios 26, 27 and 28 in that file?

- (4) Did question 10(a) of that questionnaire ask "What is the disciplinary regime of the home and the general home environment?"?
- (5) Did Father Stinson answer that question saying "The general environment of all these homes is an extremely happy one. Discipline is enforced by deprivation of privileges."?
- (6) Does file ACC 1193 AN 228/1 5619/48 "U/S Lands, Child Migrants, Conferences of Institutional Officers" exist in the Public Record Office of Western Australia?
- (7) Do folios 23, 24 and 25 of that file contain the minutes of a meeting held on May 25, 1951 at the office of the Under Secretary for Lands and Immigration at which the Under Secretary was Chairman and at which Mr A.L. Young of the Child Welfare Department, and Mr F. Mather of the State Immigration Department were present to discuss uniform answers to be given to questions asked by Mr John Moss, CBE, a member of the United Kingdom Curtis Parliamentary Care of Children Committee, inquiring about institutions in Western Australia holding child migrants?
- (8) Do the minutes of that meeting indicate that Reverend Father Stinson of the Catholic Migration Association, Messrs R. Peterkin and A. Robertson of the Church of England, Mr J. Healey of the Fairbridge Farm School and Mr F.J. Heulin of Methodist Homes, were present?
- (9) Do the minutes of that meeting indicate that it was agreed that uniform answers would be given to questions?
- (10) Do the minutes indicate that question 10(a) of the questionnaire would be uniformly answered to say that discipline in those institutions was enforced by loss of privileges?
- (11) Will the Premier table -
 - (a) folios 13, 14, 26, 27, 28 of file 662/52; and
 - (b) folios, 23, 24 and 25 of file 5619/48,
 to show those responses to the questionnaire of Mr John Moss CBE?
- (12) If not, why not?

Hon N.F. MOORE replied:

The Premier has provided the following reply:

- (1-5) No. File 662/52 "Children's Migration: Visit to WA by Mr John Moss, CBE December 1951 - February 1952" does not exist within ACC 1031 AN 145/2. From investigations, it appears the file details may be incorrect. I am, therefore, unable to answer questions 2, 3, 4 and 5.
- (6) Yes.
- (7) No.
- (8-10) Not applicable.
- (11) (a) See answers (1)-(5).
(b) See answer(7).
- (12) See above.

FIRE BRIGADES - LEVY CONSIDERATION

464. Hon GRAHAM EDWARDS to the Attorney General representing the Minister for Emergency Services:
Is the Government considering a new State levy, to be collected through local government, to fund the Western Australian Fire Brigade?

Hon PETER FOSS replied:

For many years concerns have been expressed that the current system of funding of the Western Australian Fire Brigades Board was inequitable due to large scale avoidance of contributions through off shore (overseas) insurance and self-insurance, under-insurance or no-insurance and the use of practices such as captives and deductibles. Following representations in February 1994 from the Insurance Council of Australia and the Western Australian Municipal Association the Minister for Emergency Services agreed to undertake a review of the funding arrangements for WAFBB in gazetted fire districts which are serviced by career firefighters. A consultant was retained and funded on a tripartite basis between the ICA, WAMA and the State Government. The consultant reviewed the existing funding arrangements, prepared a report detailing findings of the review and provided recommendations for change

where current arrangements were found to be deficient or inequitable. The report identifies six options and was out for public comment until 30 May 1996. I am still awaiting a submission from a large representative organisation which asked for a further extension. All public comments will now be correlated into a report to be considered by the Government and the community.

ABORIGINAL AFFAIRS DEPARTMENT - FAMILY INFORMATION, WAITING TIME

479 Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Aboriginal Affairs:

- (1) Following the article entitled "Five Year Wait for Family Details" in *The West Australian* of 16 May 1996, what resources have been allocated to rectify the time Aboriginal people, in particular, have been waiting for family information?
- (2) How many people are awaiting information?
- (3) How many people have waited
 - (a) five years;
 - (b) four years;
 - (c) three years; and
 - (d) two years,
 for information?
- (4) How many of those people waiting for information are Aboriginal?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply:

- (1) The article in *The West Australian* of 16 May 1996 wrongly identified Aboriginal Affairs Department as the agency with a five year waiting list for family information. This question should be directed to the Minister for Family and Children's Services. The Family History Service run by the Aboriginal Affairs Department has adequate resources allocated to it. The time taken to process these requests is approximately two months per application.
- (2) Under the Aboriginal Affairs Department Family History program approximately 30 people are awaiting information.
- (3) None.
- (4) All people waiting for information are Aboriginal.

POLICE SERVICE - MIDLAND DISTRICT

Offences Statistics

489. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

In relation to the Midland Police District -

- (1) What were the total number of offence reports in the calendar years 1994, 1995 and the first five months of 1996?
- (2) What were the total offences against property in the same periods?
- (3) What were the total offences against persons in the same periods?
- (4) How many sex offences were reported during these periods?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

	1994	1995	1996 (January-May)
(1) Total offences	15665	16180	6371
(2) Property offences	13316	13467	5099
(3) Offences against the person	970	114	423
(4) Sex offences	109	215	70

POLICE SERVICE - ARMADALE DISTRICT

Offences Statistics

490. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

In relation to the Armadale Police District -

- (1) What were the total number of offence reports in the calendar years of 1994, 1995 and the first five months of 1996?
- (2) What were the total offences against property in the same periods?
- (3) What were the total offences against persons in the same periods?
- (4) How many sex offences were reported during these periods?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following response:

	1994	1995	1996 (January -May)
(1) Total offence	13493	14728	5548
(2) Property offences	11505	12546	4476
(3) Offences against the person	1057	1172	516
(4) Sex offences	232	155	67

POLICE SERVICE - DONOVAN, SERGEANT PETER, WITNESS PROTECTION UNIT

501. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) On what date did Sergeant Peter Donovan join the witness protection unit?
- (2) On whose instruction was he transferred to the witness protection unit?
- (3) What unit was he previously with?
- (4) When was he transferred out of the witness protection unit?
- (5) On whose order was Sergeant Donovan transferred out of the witness protection unit?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) 11 November 1990.
- (2) He was selected from a list of applicants by a selection panel of three senior officers.
- (3) Division 79.
- (4) 16 January 1994.
- (5) He requested a transfer on his own volition.

NEWSPAPERS - NEW, GOVERNMENT INVOLVEMENT

512. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What is the State Government's involvement in the preparations to establish a new newspaper in Western Australia?
- (2) Have officers of the special communications unit been offering employment to journalists to come and work on material for such a newspaper?
- (3) On what basis does the Government believe that it is necessary to support the establishment of another newspaper here in Western Australia?
- (4) Is the Government's involvement with the new newspaper another example of the misuse of Western Australia taxpayers' funds in an effort to pump out political propaganda for the Court Government in the lead up to the next state elections?

Hon N.F. MOORE replied:

The Premier has provided the following reply:

- (1) The Government has advertised in a newspaper called "Proudly Western Australian".
- (2) The employment of anyone to work on material for that publication is a matter for the proprietors.
- (3) See (1).
- (4) The member has considerable expertise in the misuse of funds by past Labor Governments and should by now be aware that the coalition will not tolerate such activities. The Government did not have editorial control over the publication so the member's wild assertions are baseless.

POLICE SERVICE - ARMADALE STATION

Geographical Area Responsibility; Manpower

516. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Police:

- (1) What geographical area of responsibility does the Armadale Police Station have?
- (2) How many policemen and policewomen are on staff at the Armadale Police Station?
- (3) How many policemen and policewomen are on duty at the station at any one time on:
 - (a) weekdays;
 - (b) weeknights;
 - (c) weekend days; and
 - (d) weekend nights?

Hon PETER FOSS replied:

The Commissioner of Police has advised as follows:

- (1) The geographical area the Armadale Police Station is responsible for policing is the area which comes within the boundaries used by the Armadale City Council and comprises the townsites of Armadale, Byford, Kelmscott, Roleystone and Forrestdale, as well as smaller satellite communities.
- (2) The approved average staffing level for the Armadale Police Station is 40 police officers. There are also two police aides and four unsworn personnel at the station. In addition, the following police officers are stationed at the Armadale police complex.

Traffic	-	17
Detectives	-	12
Liquor and Gaming	-	2

- (3) (a) From 7.00 am to 3.00 pm the following average number of police officers are rostered for duty:

General Duties	-	12
Traffic	-	10
Detectives	-	8
Liquor and Gaming	-	2

- (b) From 3.00 pm to 7.00 am the following average number of police officers are rostered for duty:

General Duties	-	9
Traffic	-	4
Liquor and Gaming	-	2

- (c) From 7.00 am to 3.00 pm the following average number of police officers are rostered for duty:

General Duties	-	7
Traffic	-	4
Detectives	-	2

- (d) From 3.00 pm to 7.00 am the following average number of police officers are rostered for duty:

General Duties	-	10
Traffic	-	4
Liquor and Gaming	-	2

In addition specialist units, such as 79 Division, Independent Patrol Group and the Mounted Section, are available when there is a specific need.

POLICE SERVICE - REIGERT, SENIOR CONSTABLE CHARLES, UNDER INVESTIGATION

525. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Police:

- (1) Has Senior Constable Charles Reigert been under investigation regarding allegations that he perjured himself at the Joondalup Court of Petty Sessions on 15 April 1994?
- (2) If yes, when did those investigations commence and when are they expected to conclude?
- (3) Has the matter been referred to the Director of Public Prosecutions?
- (4) If not, why not?

Hon PETER FOSS replied:

- (1)-(4) I am advised by the Commissioner of Police that the matter referred to is currently under investigation and it is not appropriate to answer these questions at the present time.

MINING INDUSTRY - EXTENDED SHIFTS AND ROSTERS, SAFETY CONCERNS

588. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Mines:

- (1) Is the Minister for Mines aware of the concerns expressed by State Mining Engineer, Mr Jim Torlach, regarding the negative impact of extended shifts and rosters, on safety in the mining industry and that inspectors are regularly reporting that workers on these rosters are falling asleep on the job?
- (2) What action has the Minister taken to address these concerns?

Hon N.F. MOORE replied:

- (1) I am fully aware of the concerns of the State Mining Engineer on the use of extended rosters in combination with extended shifts. I am also aware that mine managers have reported to inspectors over the past year a number of instances where persons have dozed off while at work.
- (2) I regard the safety of the mining workforce as an issue of paramount importance and I have recently been briefed at the Department of Minerals and Energy by the State Mining Engineer on this and a range of safety issues. I am satisfied that the strategies being implemented by the department's mining inspectorate to carefully monitor the industry practices and correct any identified abuses will be effective.

I will be further advised and briefed as necessary on any critical issues or developments as they arise.

WATER CORPORATION- PLUMBING INSPECTOR, POSITION No 515114, LEVEL 3

609. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Water Resources:

- (1) Is the duty statement dated August 21, 1989 for Water Corporation Position No 515114, level three, Plumbing Inspector, still applicable?
- (2) If yes, why do the duties on this statement coincide with those on duty statements for levels four and five plumbing inspectors in metropolitan regions?
- (3) When will country based plumbing inspectors such as those based at -
 - (a) Mandurah;
 - (b) Bunbury;
 - (c) Karratha;
 - (d) Northam; and
 - (e) Albany,

be reclassified to bring them into line with their city counterparts?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply.

- (1) The position number only has changed. The duty statement is still a registered document. If the position was vacated the duties and classification would be reviewed.
- (2) Not applicable.
- (3) There are no current plans to review Plumbing Inspector classifications. There is however a right for an individual to request a review.

CAPE PERON WASTE TREATMENT PLANT - UPGRADING

628. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Water Resources:

- (1) What action is the Minister for Water Resources taking to deal with the Cape Peron waste treatment plant reaching its capacity in 2002?
- (2) Will the Minister be upgrading secondary treatment at Cape Peron waste treatment plant?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply.

- (1) Planning is underway to have the treatment plant amplified by the year 2002.
- (2) Approval within the Water Corporation is being sought to proceed to the next stage of the approval process, the 'definition' stage. During this stage, the appropriate level of treatment to be provided will be recommended.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION - COMMONWEALTH FUNDING CUTS

643. Hon TOM STEPHENS to the Leader of the House representing the Minister for Aboriginal Affairs:

- (1) Has the State Government been briefed on the impact in Western Australia on ATSIC of the Howard Government's ATSIC funding cuts that were announced and detailed on 16 August 1996?
- (2) Can the Minister for Aboriginal Affairs confirm that the cuts have resulted in a 12 per cent reduction in ATSIC's community development employment program scheme?
- (3) Is the Minister aware that in large remote communities where there are few municipal or community services provided by local government bodies that CDEP currently serves as an unofficial substitute to those services by providing the labour and resources necessary to establish and maintain infrastructure and provide essential community services?
- (4) As these services are now clearly at risk, what will the State Government do by way of support to ensure that these essential Aboriginal community services are maintained?

Hon N.F. MOORE replied:

I thank the member for some notice of the question. The Minister for Aboriginal Affairs has provided the following reply:

- (1) No.
- (2) Unable to confirm. The ATSIC Board has yet to provide advice as to the extent of cuts to specific programs and services. Next scheduled ATSIC Board meeting is in October 1996.
- (3) Yes.
- (4) The State Government is committed to maintaining essential services to large remote communities and to a process of normalisation of those services benchmarked against those provided in comparable size mainstream towns. A decision regarding any additional support that communities may require as a result of cuts to the ATSIC budget will need to await details of program cuts from the ATSIC Board.

QUESTIONS WITHOUT NOTICE

FISHERIES - RECREATIONAL FISHERS, PORT AREAS OFF LIMITS

647. Hon GRAHAM EDWARDS to the Minister for Transport:

- (1) Has the Government now declared off limits to recreational fishermen some port areas that have traditionally been used for that purpose?
- (2) What areas have recently been closed to recreational fishers because of this policy?
- (3) What areas will be closed off to recreational fishers under this new policy?
- (4) Why are they closed off to recreational fishers and what impact will this policy have on areas such as Hillarys and Fremantle Boat Harbours?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question.

- (1) The Government has no general policy of restricting port areas to recreational fishers. However, in certain ports, specific areas may be off limits to the public, including recreational fishers, for safety reasons.
- (2) No new port areas have been recently declared off limits to recreational fishers.
- (3)-(4) There is no new policy to close off port areas to recreational fishers. As an example, Victoria Wharf has been fenced off since we have been in government. I know that the people who fished there were unhappy about that. However, it was not closed because of them. It was closed for safety reasons, where the port authority was required to limit the area of access. The same could be said for other areas at regional ports around the State. I was unhappy about restricting those areas. However, it seems to be consistent with what goes on these days. For the safety of a particular operation, we have to deny people opportunities to do the things they have done for years.

Hon Graham Edwards: There has been no change?

Hon E.J. CHARLTON: No.

VOLUNTARY MARINE RESCUE WA - SEA RESCUE

648. Hon J.A. SCOTT to the Minister representing the Minister for Emergency Services:

Some notice of the question has been given to the Minister.

- (1) How many sea rescues have been carried out by Voluntary Marine Rescue WA in the last full year?
- (2) Is the Minister satisfied with the level of service provided by Voluntary Marine Rescue WA?
- (3) Will the Minister assure boat owners in WA that Voluntary Marine Rescue is operating at a standard comparable with similar organisations in other States?
- (4) What action is the Minister taking to ensure the highest level of safety off the WA coast?

Hon PETER FOSS replied:

- (1) The Minister has advised that specific statistics of sea rescues performed by Volunteer Marine Rescue WA are not available with such short notice. However, these statistics would not be accurate as a second association was formed in WA -

Western Coast Volunteer Marine Search and Rescue Association - during this financial year and some of its statistics would be included in Volunteer Marine Rescue WA's statistics. The statistics on hand are the total statistics for the State and include both volunteer associations, Water Police and the Department of Transport, maritime division: Body search 30; distress 152; medivac 2; overdue 135; recovery/tow 877; total 1 196. There was a total of 2 802 survivors from these incidents, 13 were injured and seven deaths occurred.

- (2) Yes. The Minister for Police is satisfied by the level of service provided by not only the members of Volunteer Marine Rescue WA but also the west coast association. All volunteer sea rescue groups provide an invaluable service to the boating community of Western Australia.
- (3) Yes, the Minister can assure boat owners in WA that Voluntary Marine Rescue is operating at a standard comparable with similar organisations in other States. What needs to be kept in mind is the difference in the boating populations of this State and the eastern seaboard States and the distances between centres, particularly in the north. Volunteer Marine Rescue WA is affiliated with Volunteer Marine Rescue Australia which has a number of affiliated groups and associations throughout Australia. This organisation has developed a standardised training program which is being considered by Volunteer Marine Rescue WA member groups.

The Western Australian Water Police have, for the past five years, been conducting a marine and rescue coordination course throughout the State. The purpose of this course is to standardise statewide the procedures which are to be followed during marine search and rescue operations. To date over 300 volunteer sea search personnel have completed this course.

- (4) The Department of Transport, maritime division, has prime responsibility for sea safety in Western Australia. However, there is a close liaison between me and the Minister for Transport with regard to sea safety matters. There is also close liaison between the Department of Transport and the Police Service, which has lead combat authority responsibility for sea search and rescue, regarding sea safety issues.

BUDGET (COMMONWEALTH) - IMPACT ON STATE ESTIMATES 1996-97

649. Hon MARK NEVILL to the Minister for Finance:

What impact has the federal Budget had on State Government estimates for the 1996-97 financial year?

Hon MAX EVANS replied:

I thought it was made clear before. There will be no major impact that the Government has not expected. The Premiers agreed at the Premiers' Conference to the States giving away \$619m, which was the increase in the general purpose grants, of which our 10 per cent is \$60m. We have worked with the state agencies on this and have found savings of about \$42m without diminishing any services. At the Premiers' Conference, the Prime Minister could not - he still cannot - detail the specific purpose grants other than that they would total about \$300m, of which our share is \$30m making a total of \$90m.

The only one that seemed to be mentioned is dental health. We will not know where we stand with the \$30m until other policies are announced. As I said, last year we finished up the year with a surplus of \$1m. That was after taking back the \$65m that was to come out of the revenue equalisation account. If we had kept that in we would have had a surplus of \$66m in the last year. There still must be about \$90m in the revenue equalisation account. We planned for \$30 and we planned for \$60m. We will have to wait and see and make decisions based on facts.

WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - BUDGET ALLOCATION, IMPACT OF COMMONWEALTH BUDGET

650. Hon MARK NEVILL to the Minister for Employment and Training:

The state budget allocation for the Western Australian Department of Training for 1996-97 is \$324.8m.

- (1) Has there been any impact on this figure as a result of the federal Budget?
- (2) If so, what areas are affected?
- (3) What is the revised estimate of expenditure?

Hon N.F. MOORE replied:

It would have been helpful if I had had some notice of that question so I could have got the information for the honourable member.

Hon Mark Nevill: We thought you were in full command.

Hon N.F. MOORE: I am not in full command of the knowledge that is required in respect of the federal Budget. A number of issues still have not been resolved.

Hon Tom Helm: It is your portfolio. You should know what is going on.

Hon N.F. MOORE: I do know what is going on in Western Australia. I do not know what is going on in Canberra all the time. Nor does anybody else for that matter. I will advise the member in due course whether there has been any effect on funds available in the Department of Training's budget from federal sources. Any changes to federal programs will be a decision of the Federal Government.

As I said, we are not aware of the fine detail of the effect of the federal Budget on the programs we run. I will meet with the federal Minister this week. Once that meeting has been held and I have a fuller understanding of what is proposed in the Budget I will be able to give the member a fuller answer.

JUSTICE, MINISTRY OF - BUDGET ALLOCATION, IMPACT OF COMMONWEALTH BUDGET

651. Hon N.D. GRIFFITHS to the Attorney General:

The 1996-97 state budget allocation for the Ministry of Justice is \$302.213m.

- (1) Has there been any impact on this figure as a result of the federal Budget?
- (2) If so, what areas are affected and what is the revised estimate of expenditure?

Hon PETER FOSS replied:

- (1)-(2) The only way we have been affected that I am aware of is that we, like all other departments, have had to look for savings within our budget. I am not aware of any specific area except the legal aid area, which I discussed the other day, although it does not directly affect the department. I am not aware of any other impact it will have.

PARLIAMENT HOUSE - SAFETY AUDIT

652. Hon TOM HELM to the Leader of the House:

- (1) Is the Leader of the House aware that Minister Kierath has declared tomorrow "spot a hazard" day and that he is using Parliament House as an example of how we can work safer in Western Australia?
- (2) If so, has the Leader House advised Parliament House employees that they will be having a spot check or has he notified their representatives that there will be a safety check in Parliament House?
- (3) Will the result of that safety audit be made public?
- (4) What action has been taken so far on the safety audit that was carried out by the Media, Entertainment and Arts Alliance?

Hon N.F. MOORE replied:

- (1)-(4) I am not aware of the program the member is talking about. However, the running of Parliament House and Parliament House employees is not part of my jurisdiction and I suggest that the question would be properly conveyed to you, Mr President, or to the Clerks.

The PRESIDENT: Who also knows nothing about it.

Hon Tom Helm: We can't ask the President any questions.

TRANSPORT, DEPARTMENT OF - BUDGET ALLOCATION FOR TRANSPORT AND MAIN ROADS,
IMPACT OF COMMONWEALTH BUDGET

653. Hon KIM CHANCE to the Minister for Transport:

The state budget allocation for transport and main roads is a total of \$596m. Has there been any effect on the state budget allocation as a result of the federal Budget; if so, what areas have been affected and what is the revised estimate of expenditure?

Hon E.J. CHARLTON replied:

The only effect on the total budget allocation is that associated with national highways. As the member is aware, an allocation of approximately \$48.5m was in the federal Budget. What will come in addition to that remains to be seen. I understand that approximately another \$70m or \$80m is to be allocated by the federal Department of Transport. As Hon Kim Chance is aware, we are continuing to put Western Australia's point of view. At this stage there will be a reduction of \$30m if no more is forthcoming. However, I am looking forward to at least some supplementary funding.

It is an important question but it must be kept in context. The State's 10-year road program, of which we are into the second year, is not affected by any cutbacks. Nothing could be more critical than the national highway because of the lack of funding over a long period, which I have made public. The funding cuts will affect the national highway, but only the national highway.

WESTRAIL - PAMPHLET ISSUED IN ALBANY

654. Hon MURRAY MONTGOMERY to the Minister for Transport:

Has the Minister seen the pamphlet distributed in the Albany area by the Labor Party and Hon Bob Thomas? If so, is the information on Westrail accurate?

Hon E.J. CHARLTON replied:

I did see the misleading information that was circulated. Government members are always asked the cost of that sort of advertising. It is a case of the difference between what it costs to give information and what it costs to mislead the public.

Hon Kim Chance: Which is the more expensive?

Hon E.J. CHARLTON: That is right. It appears now that the spokesman on transport for the Labor Party is about scare and smear and telling fibs so that it has something going for it. In the circular put out by Hon Bob Thomas is a photograph of the candidate for Albany saying, "Hey, look at the train and the guy from Northam doing the work." There is no train and no-one in the picture, unless there is someone behind the shed.

Hon Tom Stephens: He is at the entrance to the shed.

Hon E.J. CHARLTON: Sneaking around the corner, is he?

Hon Tom Stephens: He is right in the middle of the gateway. You are blind as well as stupid.

Hon E.J. CHARLTON: Why did he not go in? The fact is that the person goes from Northam once every three weeks. Hon Bob Thomas is implying that a range of people travel from Northam every day. The difference with Westrail now is that \$250m has been spent on the railway lines. The previous Government could not spend any money and Westrail is now buying 24 new locomotives. It is now not necessary for a large number of people belonging to the union to work in a shed in Albany or anywhere else looking after obsolete rolling stock with which members opposite left Westrail so that it could look as though it was trying to run a business. The advertisement is totally misleading and an example of what we on this side of the House can look forward to from the Labor Party in the lead-up to the election.

CONSERVATION AND LAND MANAGEMENT,
DEPARTMENT OF - IMPACT OF COMMONWEALTH BUDGET CUTBACKS

655. Hon J.A. COWDELL to the Minister for the Environment:

- (1) Will there be any impact on Department of Conservation and Land Management activities as a result of the recent federal budget cutbacks?
- (2) If so, what areas are affected and what is the revised CALM expenditure estimate for this financial year?

Hon PETER FOSS replied:

- (1)-(2) The situation is the same with all our agencies. Until we get specifics from the Federal Government we are unable to discern that. However, as a result of the Premiers' Conference and the expected reductions that came out of that every single agency, including CALM, has been asked to review its services and find the savings necessary to accommodate those cuts.

Hon Mark Nevill: What per cent?

STATE OF THE ENVIRONMENT REPORT - RELEASE DATE

656. Hon J.A. SCOTT to the Minister for the Environment:

Some notice of this question has been given.

- (1) When does the Minister intend to release the State of the Environment report for Western Australia?
- (2) When was the last State of the Environment report prepared for Western Australia?
- (3) Who is preparing the State of the Environment report?
- (4) Why has it taken so long to prepare?
- (5) Will the release of the State of the Environment report be timed to coincide with the next state election?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) I have not yet received the State of the Environment report as it is still being prepared. The report will probably be made available in the second quarter of 1997.
- (2) The first and most recent State of the Environment report was published by the State Government in December 1992.
- (3) The Department of Environmental Protection is coordinating the preparation of Western Australia's second State of the Environment report. This is overseen by the State of the Environment report reference group which was established by me. The reference group consists of the chairmen of peak natural resource bodies including the Soil and Land Conservation Council, the National Parks and Nature Conservation Authority, the Lands and Forests Commission, the Blackwood Catchment Coordinating Group and the Swan Avon Catchment Coordinating Committee, together with senior representatives of natural resource management agencies including the Department of Environmental Protection, the Department of Conservation and Land Management, Agriculture Western Australia and the Water and Rivers Commission. The community has had significant input to the report through the establishment of regional focus groups - consisting of equal numbers of community and government representatives - for State of the Environment regions around the State. In addition, a range of government agencies are providing input to the State of the Environment report.
- (4) Preparation of the report has taken time because of community consultation, the extent and range of input required from different government agencies, and the need to ensure all information presented in the report is continually checked for relevance and accuracy.
- (5) No.

FIX AUSTRALIA, FIX THE ROADS CAMPAIGN - COSTS

657. Hon J.A. COWDELL to the Minister for Transport:

- (1) What is the total contribution of the State Government to the Fix Australia, Fix the Roads campaign since its inception?
- (2) What are the additional estimated salary and administrative costs borne by Main Roads and the Department of Transport?
- (3) What is the estimated contribution of the State Government to this campaign this financial year?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

I will provide the answer required to this question tomorrow as it will take me until then to find that information.

WESTRAIL - EMPLOYEE, FUTURE ARRANGEMENTS

658. Hon TOM HELM to the Minister for Transport:

- (1) Will the Minister advise the House if claims in the article published at page 11 of today's *The West Australian* are correct that the Minister misled the House and that Westrail deliberately discarded its employee in the hope that he would leave Westrail's employment?
- (2) Does the Minister accept that the employee is fit for some duties within Westrail and that if the employee had accepted training as a flagman he would have been obliged to accept employment with the contractor who took over the job in July?
- (3) Is it true that as an RMV 3 Westrail is obliged to redeploy him under the Public Sector Management Act?

Hon E.J. CHARLTON replied:

It appears that the Opposition, cooperating with West Australian Newspapers Ltd -

Several members interjected.

Hon E.J. CHARLTON: It is a fact that it does not matter what changes are made at Westrail, we read only negative comments in *The West Australian* -

Several members interjected.

Hon E.J. CHARLTON: That is the way we must take it. They do not want to talk about the way changes benefit the community. I totally reject the comment about my misleading the House. It is the Labor Party which has misled the House on this issue. The Labor Party would have us believe that a man is being victimised by Westrail and that is all there is to the story. It is a pity that the Labor Party cannot provide any facts to support its argument. I could give a long dissertation about the person involved.

Hon Tom Helm: Tell the truth this time!

Hon E.J. CHARLTON: I tell the truth all the time.

The PRESIDENT: Order! I will not tolerate a suggestion that someone is not telling the truth. The member should not interject while an answer is being supplied to his question.

Hon E.J. CHARLTON: The man has a range of problems relating to a number of separate incidents which have been reported over the past 10 years and which have affected his back and arm. Westrail offered the man track work earlier this year but he was not fit enough to take the work. I am keen to make this information available to the member:

Westrail constantly tried to find appropriate work for the man, and at Westrail's cost proposed to provide him with an extensive rehabilitation program. He was previously booked into the program; however, he produced a doctor's certificate saying that he was fully fit; therefore, he did not need to attend a rehabilitation program. That doctor's certificate was dated 27 May 1996 and stated that the man was fit for normal duties. Since then the man has provided another certificate dated 12 August 1996 saying that he was unfit for normal duties.

Hon Tom Helm: He has done nothing since.

Hon E.J. CHARLTON: That is right. He has done nothing since. He provided a doctor's certificate stating that he was fit for normal duties; therefore, did not need to attend a rehabilitation program. He was offered a job, and then he brought in another doctor's certificate stating that he was not fit. Many Westrail people have tried to help this man as well as other workers. This question is a reflection on other Westrail people who are going about their daily work

with enthusiasm, delivering to the people of Western Australia record movements of freight tonnages and of people. *The West Australian* and the Opposition home in on the two or three people who cannot fit into programs offered by Westrail. It is about time that people took account of what truly goes on, rather than run off at the mouth with accusations.

As of today, arrangements about this man's workers' compensation and future appear to have been settled. It appears that a workers' compensation lump sum pay-out of \$60 000 has been accepted. I do not know whether that will be the final outcome; it remains to be seen whether he accepts that arrangement or changes his mind, as he has done on almost every occasion. He will receive a standard redundancy package and six weeks' training with Morgan and Banks at a career guidance centre. That is the current situation. It is about time that members opposite forgot talking about drums or fires and trying to keep people warm, and paid some respect to other people at Westrail. Every time I meet someone at Westrail I am told how good things are going. It is about time that members opposite spoke in support of those people instead of ridiculing them.

BUILDERS REGISTRATION BOARD - CREATIVE BUILDERS (WA) PTY LTD, INQUIRY

659. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Fair Trading:

- (1) Is the Builders Registration Board aware that nominee builder, Tony Veneziani, ceased to be engaged by Creative Builders (WA) Pty Ltd in April 1996?
- (2) Is the BRB aware that notwithstanding the departure of Mr Veneziani, Creative Builders (WA) Pty Ltd continued to perform residential building work?
- (3) Is the BRB now prepared to investigate Creative Builders (WA) Pty Ltd and its directors for breaches of the Builders' Registration Act?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Fair Trading has provided the following reply -

- (1) Yes.
- (2) No.
- (3) The board has been investigating possible breaches of the Builders' Registration Act and the Home Building Contracts Act by Creative Builders (WA) Pty Ltd since June 1995. Legal advice was sought, which confirmed that information currently before the board would not be sufficient for it to prosecute Creative Builders. The board's investigations are continuing.

EXMOUTH MARINA - CIVCON PTY LTD, CONSTRUCTION CONTRACT

660. Hon TOM STEPHENS to the Minister for Transport:

Construction of the \$10m Exmouth marina has ground to a halt because of difficulties experienced with private contractor Civcon Pty Ltd.

- (1) Is it true that Civcon not only has been unable to pay some of its employees but also owes a substantial amount of money to local businesses in Exmouth?
- (2) Are any of the principals of Civcon former employees of the Department of Transport?
- (3) Did this influence the department in awarding the contract or, if not, on what basis was it awarded?
- (4) What checks were made as to this company's liquidity or capacity to carry out its contract at Exmouth?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) I am not aware of any unpaid wages. I am aware that Civcon owes an amount of money in Exmouth, believed to be in the order of \$85 000.
- (2) No. However, I have been advised that one of the principals, Mr Frank Simunovich, did work for the Public Works Department from 1977 to 1980.
- (3) No. The contract was awarded to the lowest tenderer following a normal tender assessment process.
- (4) Financial information was supplied by the contractor, and normal checks were made through commercial credit checking agencies.

TAXI INDUSTRY BOARD - HITCHEN, LEN; PINZON, ANNE, RESIGNATIONS

661. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Is it the case that the chairman of the Taxi Industry Board, Mr Len Hitchen, and the executive officer of the Taxi Industry Board, Ms Anne Pinzon, submitted their resignations in the same week?
- (2) Is it the case that before ceasing service with the Taxi Industry Board, Ms Pinzon had an appointment with the Minister where she detailed her grievances?
- (3) Why did Mr Hitchen and Ms Pinzon resign?
- (4) Has Ms Pinzon lodged any legal action against Mr Hitchen, the Taxi Industry Board or the Government?
- (5) If so, what is the nature of that legal action?
- (6) Has Ms Pinzon asked to have her job back?
- (7) Has the position of executive officer of the Taxi Industry Board been advertised; and, if so, when?

Hon E.J. CHARLTON replied:

- (1) Yes. I am not aware of all the reasons for the resignations. I believe that the former chairman left to undertake other consulting work. As I understand it, there was a clash in the roles, but I do not know any of the details.
- (2) Yes. Ms Pinzon met with me and advised me that she had resigned. I am not fully aware of the reason.
- (3) Some accusations were made, but I am not at liberty to make any comments.
- (4) Not to my knowledge.
- (5) Not applicable.
- (6) No.
- (7) The position will be advertised - if it has not already been advertised. The new chairman is Mr Howard Croxon.

FOOTROT - OUTBREAK, SWAN VALLEY AND MID WEST REGIONS

662. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry:

In part 2(b) of question without notice 1120 asked by me and answered on 7 December 1995, the Minister replied "No" to the following question -

Does the report indicate that the conduct and attitude of several departmental officers gave rise to concerns that the outbreak could have been avoided, its impact contained and offences successfully investigated had departmental staff done their job?

The report referred to is now tabled paper No 40, tabled on 27 June 1996, and in part its conclusion reads -

The conduct and attitude of several Department of Agriculture staff gives rise to concerns that the outbreak could have been avoided; the extent of the outbreak could have been contained; and that an investigation into offences could have been successful if conducted at an earlier stage.

Given that the two statements are virtually identical and that the report had been in the hands of the Minister for Primary Industry for some months before my question was put to the Minister, was the answer I was given on 7 December 1995 a deliberate attempt to mislead the House about the content of the report?

The PRESIDENT: Order! The member cannot use those terms.

Hon KIM CHANCE: I will rephrase the question:

- (1) Was the answer given on 7 December 1995 a mistake by the Minister?
- (2) Was the Minister for Primary Industry simply unaware of the conclusions of this vital report?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the original question. Obviously I do not think the answer has any bearing given the small change of wording.

- (1) No.

- (2) No. The answer provided must be considered in the full context of what was a seven part question. I discussed it with the Minister earlier today and I think there is a very logical explanation for the answer "no" to one of the questions to which the member has referred. I am happy to take that up with him later.
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