



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Thursday, 7 November 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 10.30 am, and read prayers.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Twentieth Report on Bunbury Port Authority Amendment Regulation, Tabling

HON B.K. DONALDSON (Agricultural) [10.36 am]: I present the twentieth report of the Joint Standing Committee on Delegated Legislation on the Bunbury Port Authority Amendment Regulation and move -

That the report do lie upon the Table and be printed.

Members will be aware that it is the function of the Joint Standing Committee on Delegated Legislation to review all regulations made in this State. One of the reasons the committee has been given this important scrutiny role is to ensure that regulations drafted under instructions from government agencies comply with the constitutional laws of this State and with Statutes made by this Parliament.

The committee recently reviewed the Bunbury Port Authority Amendment Regulations 1996. Those regulations are subject to a disallowance motion in this House. Due to the impending expiry of the period in which the committee could give notice of motion of disallowance, the chairman gave notice of disallowance of the regulations on 26 September 1996 because the committee was concerned about certain aspects of the regulations and required more information from the authority. Among other things, the regulations increase the outer harbour port infrastructure charge by 25 per cent. The authority informed the committee that the purpose of the increase in the charge was to fund the purchase, or depreciation costs, of a new ship loading facility. Installation of that ship loading facility has not been completed.

Upon further consideration, and after taking legal advice, the committee considers that the increase in the charge is in the nature of a tax and is not authorised by Statute. Furthermore, it is not within the power of the authority to waive collection of the fee pending completion of the installation of the ship loading facility. The committee considers that there are many complicated issues involved in this matter and they raise many broad questions about taxation and the charging of fees for services by government agencies. These matters cannot be resolved in the immediate short term. Accordingly, the committee has resolved to seek leave to withdraw the motion for disallowance if the Minister for Transport will undertake to consider the issues raised by the committee in this report; and, after further consultation with the committee, in the next Parliament to introduce any necessary remedial legislation to resolve the problem.

Question put and passed.

[See paper No 854.]

MOTION - URGENCY

Workers' Compensation System, Failure to Make Important Changes

THE PRESIDENT (Hon Clive Griffiths): I bring to members' attention a letter that I have received this morning addressed to me as follows -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on 1 January 1997 for the purpose of discussing the failure of the Court Government to make important changes to the workers' compensation system which the Government has acknowledged over 12 months ago required urgent attention.

Yours sincerely

Alannah MacTiernan MLC
Member for East Metropolitan Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [10.42 am]: I move -

That the House at its rising adjourn until 9.00 am on 1 January 1997.

We often feel that perhaps what we do in this House goes unnoticed, particularly with urgency motions, and that the very serious issues we raise are often ignored by the Government. However, even before we commenced this urgency motion today we had a response.

Hon Max Evans: You can sit down and we will get on with the business of the House.

Hon A.J.G. MacTIERNAN: I am not suggesting, Minister, that the response is satisfactory. However, it was interesting that we lodged the notice of the urgency motion at around 8.30 this morning and at 10.03 am I received a letter from Mr Kierath on the subject. Unfortunately, as one expects when dealing with the Minister for Labour Relations, the proposition contained in that letter was not a reasonable one.

I will take members over a little of the history. Members will be aware of the major changes in the workers' compensation system introduced by this Government in 1994. The Opposition strongly believed that although certain aspects of the changes were positive, by and large, the system has been a negative one for injured workers. There have been many arguments in this place over the aspects of that system. However, by October 1995 even Minister Kierath was aware that a couple of areas in that legislation were grossly unfair and rendered the system unworkable in some ways. Consequently Mr Kierath drew up an amendment Bill, which was presented to the other place in October 1995. As with all the legislation from that Minister, it had some goods bits and lots of bad bits.

Hon Max Evans: That is your interpretation.

Hon A.J.G. MacTIERNAN: From our perspective many aspects of the legislation were clearly undesirable and would have made the lot of injured workers in this State much worse. However, the Government has the numbers in both Houses of Parliament and the process is that this legislation goes forward, it is fully debated and then passed - usually not on its merits, but on the numbers. It is important that we have an opportunity to debate legislation, particularly controversial legislation. Notwithstanding that this legislation was introduced in October 1995, virtually nothing happened until a couple of days before Christmas, when a series of frantic telephone calls were made to the Opposition attempting to get members to agree to expedite the Bill through Parliament. We said we would do that only if the Government removed those aspects of the legislation that we found unacceptable. We said that the Government could introduce those aspects of the legislation at a later stage and use its numbers to get them through, but we were not prepared to pass legislation that we found fundamentally objectionable without debate, although we would assist in areas that were purely technical. Nothing came of that, and discussions continued on the legislation after Christmas.

It was around March 1996 that Hon John Cowdell and I were briefed by the Accident Compensation Commission and we outlined our concerns. The Bill stayed on the Notice Paper from March to November 1996, and absolutely nothing happened. Each week I approached the leader of opposition business to see if he had been able to persuade government members to bring this legislation forward for debate. It was no go. The Government made no reference to it whatever. Yet in the dying days of the Legislative Assembly - some three days before the Assembly was due to rise - the previous Bill was withdrawn and a modified version of the Bill reintroduced. Then the Opposition received correspondence from the Minister saying this legislation was really important; it was urgent.

Hon N.D. Griffiths: It is urgent because of the Minister's delay.

Hon A.J.G. MacTIERNAN: It was urgent even a year ago, because people were being grossly penalised and insurers were suffering ridiculous administrative burdens because of the way the system operated. It was extraordinary, even by Minister Graham Kierath's standards, that he would have a Bill on the Notice Paper for an entire year and not bring it on for debate, then withdraw the Bill, replace it with mark-2 and ask us if we would pass it without debate. I wrote to Mr Kierath and said fundamentally what we had said a year before. The Government has the numbers to put any legislation it wants through this place: If the Government wants the Opposition to put it through the Parliament without debate, it will have to take out those controversial aspects of the Bill and then we will expedite it. That is a perfectly reasonable proposition. I even said to the Minister that if he took out the aspects of the legislation that we found offensive, we would be prepared to support the waiver of all the normal parliamentary rules, such as the seven day waiting period before an Assembly Bill can be debated in the Council. We heard nothing until 10.03 this morning, after we raised this urgency motion.

Having pointed out the absolutely indefensible delay of the Minister, I will point out the two issues that need urgent attention. One of the controversial provisions in the new package of legislation for the system of workers' compensation that the Government introduced in 1994 ruled out a redemption, or lump sum payment, where a person had been permanently but only partially incapacitated; that is, if a person had received an injury from which he or

she had recovered, but from which he or she would never fully recover. If a person was capable of returning to work, but not capable of earning the same income that he had earned before the injury, that person was entitled to an ongoing partial payment. Traditionally, and quite properly, rather than leave people languishing on the books of the insurers, and to allow people to get on with their lives and to put the accident behind them, the system allowed for a quantification of what a person could expect to receive over his lifetime. Some present value discount would be made and the person would receive a lump sum redemption for the ongoing future claim. It was a perfectly reasonable proposition. For some reason or another the Minister for Labour Relations had a real problem with that notion, and felt it encouraged malingering. Therefore, he put a total prohibition on these redemptions for permanent partial incapacity. As everyone predicted, the system was a complete mess and the insurers now have enormous numbers of people languishing on their books, often with very small partial payments being made on a weekly basis. The Insurance Council of Australia has been very vocal on this matter, and expressed its concern when I telephoned it yesterday that nothing had been done about the introduction of this Bill. It explained some of the bizarre circumstances with which some of the insurers are faced. A classic example is a man who injured his hand at work and sustained permanent injury. After surgery he eventually returned to his original employer, but was not able to do the job he had previously carried out. Consequently, he received \$18 less than his previous wage each week. Therefore, each week the insurer had to provide a cheque for \$18 to that injured worker. The insurer estimated that the administrative costs of keeping that file open and processing the cheque each week was two or three times the actual value of the \$18. It is clearly a ludicrous situation and it is not at all unusual. If the Minister is honest about this matter - I know he is aware of it because he has recently initiated a survey - he will acknowledge that various strategies have been put in place by insurers to get around this particular problem. However, it is not always possible to do that, and some insurers adopting these strategies are nervous about the "please explain" notices they are receiving from the Minister. Clearly, it is a complete nonsense to prohibit the insurers from settling these matters. Of course, it is orthodoxy that an injured worker's condition will improve if he is able to put the matter behind him and remove himself from the compensation system. The fact that a person is still receiving payments and is still in the system is seen as a limiting factor to his full and proper recovery. Because of the support from all sectors of the industry, the Minister for Labour Relations has recognised that his ideological objection to redemptions for partial incapacity must be put to one side. He agreed in October 1995 to take some action in this regard. Thirteen months later nothing has been done and the situation is no better.

The other area was an unintended consequence of the legislative changes, and this relates to appeals made by an employer to the compensation Magistrate's Court on a matter of law. Members who have an interest in this matter will know that under the basic system a person is unrepresented when the matter is heard by a conciliation officer, and there is a right of appeal to a review officer. The review officer makes determinations on questions of fact and law. If the insurer wishes to appeal on a question of law, it goes to the Magistrate's Court. Notwithstanding the fact that the injured party has been found to have a compensable claim by the review officer, this matter can be appealed to the magistrate on a point of law. Often, these are highly technical points of law relating, for example, to the borderline between the definitions of a subcontractor and an employee. The employer invariably is represented by a lawyer, and sometimes a QC, and the hapless injured worker who has succeeded at the review stage may be found liable for expenses.

I refer to one case which involved an 18 year old, Stephen Benn, who was working for Australian Assay Laboratories as a laboratory assistant. His leg was broken when a forklift turned over on top of him. The review officer made a decision in his favour. It was appealed to the Magistrate's Court on a point of law, and the injured worker was left with a cost bill of \$3 200. When the matter went back to the review officer, he was told he still had a compensable claim but, notwithstanding that, he had to pay the costs. Even Minister Kierath recognised that it was unfair. It was another component of the legislation introduced more than 13 months ago, and on which there has been no progress whatsoever.

HON MAX EVANS (North Metropolitan - Minister for Finance) [10.57 am]: The honourable member spoke about trying to get legislation through this House at the end of the session. I must admit this Government is remiss in not maintaining the standard set by Hon Joe Berinson, who was far more able. The then Opposition was far more cooperative in bygone years. I indicate to members the progress of legislation under a Labor Government. On 3 December 1992, 13 Bills were passed through this House, some of which had been received from the other place that same day. Nineteen Bills were passed in the last two days of that parliamentary session.

Hon A.J.G. MacTiernan: Why has it not been done over the past year?

Hon MAX EVANS: Workers' compensation was a very heated topic when this Government came to office. The Government has tried to iron out the anomalies and to do the right thing for the injured workers, the medical profession and the insurance companies. There were colourful scenes and a great deal of colourful language in the media with respect to workers' compensation, highlighting extreme examples of what might go wrong with the legislation and who might be disadvantaged by it. The Government was aware at the time that it had to make major

changes to the Workers' Compensation and Rehabilitation Act, particularly because of the escalating increase in costs, which were out of control for a number of reasons. I became aware of these with respect to the float of the State Government Insurance Office, when the actuarial figures revealed the extent of the increases. The Government went through a colourful period in 1993-94, and the Minister for Labour Relations introduced legislation into the Parliament in 1995.

On 28 March 1996 a briefing was held for Hon Alannah MacTiernan and Hon John Cowdell with regard to this legislation. After consideration of the concerns raised by the Opposition, the Minister decided to streamline the contents of the Bill and reintroduce it as a consolidated Workers' Compensation and Rehabilitation Amendment Bill 1996. The main areas deleted from the 1995 Bill were rehabilitation provisions, and enforcement of agreements reached at conciliation conferences. The area of rehabilitation is currently being reviewed by the Workers' Compensation and Rehabilitation Commission. Enforcement agreements were deemed to be detrimental to workers because the vast majority of breaches of conciliation agreements are committed by workers and not insurers.

On 23 October 1996, the Minister wrote to Dr Geoff Gallop, the Leader of the Opposition, seeking his support to ensure the passage of the Workers' Compensation and Rehabilitation Amendment Bill, following its second reading in the lower House. That letter to Dr Gallop confirmed that a meeting had been held with Hon Alannah MacTiernan and Hon John Cowdell. The two vital areas of the Bill the Minister emphasised were as follows -

when a worker receives a favourable decision from a review officer and the insurer appeals to a compensation magistrate who subsequently upholds the appeal, the worker will not be liable to pay the insurer's costs;

redemptions of future weekly earnings, which are currently unavailable to workers with permanent partial incapacity, will be restored as an option to such workers, subject to certain conditions.

The letter was sent on 23 October and replied to by Hon Alannah MacTiernan on 4 November.

Hon A.J.G. MacTiernan: We got it on 28 October.

Hon MAX EVANS: I cannot help that. At least the member received correspondence a lot quicker today. I was told that the urgency motion was to be moved, and I am glad that the member received the letter before Parliament sat this morning. I understand that the letter was written prior to notification of the member's urgency motion.

Hon A.J.G. MacTiernan: It was after the Insurance Council rang them last night.

Hon MAX EVANS: Is that a fact? Does the member have evidence of that? The member has made a statement of fact.

Hon A.J.G. MacTiernan: I believe that to be the case - I am making an inference.

Hon MAX EVANS: The member never does that!

Hon A.J.G. MacTiernan: It is an educated guess.

Hon MAX EVANS: The member's whole life is inferences and educated guesses.

I do not know the date that the member's letter was received, but it was sent on 4 November; the member can check later if she wishes. The letter reads -

However, we do agree that there are two vital areas of the Bill that do need attention. These are, as you have identified in your letter,

- (i) the protection of an injured worker against a cost order where an employer successfully appeals the review officer's decision.
- (ii) the reintroduction of redemptions for permanently but partially incapacitated workers.

That is the point we have reached. A letter went back to Hon Alannah MacTiernan today. Her letter of 4 November also stated -

Given the length of time that these matters have remained unresolved we suggest the following:

- (i) that you draw a fresh bill which covers those two areas and any of the other matters in the new Bill that are purely of a technical nature would improve the efficacy of the system.

- (ii) this Bill could be then introduced to the Legislative Council. The Opposition would be prepared to support a waiver of the requirement that the Bill lay before the House for 7 days. The Bill then can be passed and sent down to the Legislative Assembly in the following week for approval.

Hon Alannah MacTiernan received a letter in reply today from which she can quote if she cares to do so. The Government has been conscious from the start of the need to improve workers' compensation legislation.

Hon A.J.G. MacTiernan: What happened between March and October? Why did we see nothing between that time?

Hon MAX EVANS: In March they reconsidered the matter and it has been held up in the commission, and so on. I know in my experience that things never move as quickly as I would like them to move. I cannot give a day-by-day description of the matter's progress in that period.

Hon A.J.G. MacTiernan: It is fundamentally the same Bill as that of a year ago.

Hon MAX EVANS: The Government stands strongly behind what it has done in respect of workers' compensation. I pointed to the need to hold further discussion to continue to improve the system, most importantly, from the workers' point of view. Workers, employers and insurers need certainty in definitions so people's needs can be met. The Government does not back away from what it is doing. There has been a delay, but it is getting on with important legislation.

Hon A.J.G. MacTiernan: Will you expedite the Bill as I proposed?

Hon MAX EVANS: We will not be expediting the Bill today, no. The member received a letter back from the Minister today.

HON N.D. GRIFFITHS (East Metropolitan) [11.05 am]: I listened with interest to the comments of Hon Max Evans. I agree with his opening comment that the Government has been remiss, and I agree that we have been a very cooperative Opposition. Anyone who has paid any attention to the development of the Notice Paper, particularly in this House, over the last few years would know that this has been a most responsible and cooperative Opposition. Most matters have been dealt with on a bipartisan basis. We look forward to the matter of workers' compensation, as raised by Hon Alannah MacTiernan, also being dealt with in that way.

It is a matter of regret that the Minister for Labour Relations introduced in October 1995 into the other place a Bill dealing with two matters of great concern to Hon Alannah MacTiernan, but the Bill did not progress past its second reading speech delivered on 31 October. I note the dates from the Weekly Digest document. This piece of legislation emerged in the other place on 23 October 1996. It was second read by the Minister on 24 October 1996. This says something about this Government's sense of priority. Hon Alannah MacTiernan referred to two areas of great concern to her and the Opposition. I note her words that even though the Government and all involved share her concern, the Government has done nothing about the problem, notwithstanding the general agreement involved. Those two matters of concern relate to redemption for partial incapacity, and costs when an insurer takes an appeal to an industrial magistrate. The measure introduced into the other place last year concerned two other issues which the Opposition opposed; namely, a proposed tightening of common law thresholds and a provision to exempt working directors from being required to take out workers' compensation insurance.

The Government's treatment of the matters with which we agree is in marked contrast to its changes to workers' compensation law in 1993. At this time the Opposition agrees with the Government on measures to improve the system and to provide justice, particularly to injured workers. In 1993, the Government stopped at nothing in respect of its use of parliamentary process to pass very unjust laws. Members may recall that in 1993 the workers' compensation laws were changed through a process preventing meaningful debate in the other place. When the legislation came to this House of Review, it was guillotined in a very savage fashion and matters of great importance were not properly debated. They were debated as fully as we were able to debate them, but regrettably we were unable to deal with them in the proper, fulsome manner.

Following the passage of those unjust changes, in late 1993, the Government, giving a bit of a sop, sent the matter off, with the agreement of the House, to the Legislation Committee, which made further recommendations. Again, that matter is not being progressed to the satisfaction of all concerned. A revolution occurred in 1993 in Western Australia regarding the treatment of workers' compensation, which many say has caused a great degree of injustice. The Government says it is concerned about that situation. It acted speedily to take away the legal rights of workers and to cause detriment to people injured at work, but when it comes to redressing the situation and providing a little balance, when everybody concerned agrees that something is wrong with the situation, the Government decides that the matter is not that important and puts it on the back burner.

I have heard the comments Hon Alannah MacTiernan made on behalf of the Australian Labor Party. We are very concerned to expedite changes to the law which will provide greater justice to people injured at work. Frankly, I join her in inviting the Government to do something about it very soon.

[The motion lapsed, pursuant to Standing Order No 72.]

MOTION - DISALLOWANCE OF OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

Resumed from 6 November.

HON W.N. STRETCH (South West) [11.10 am]: Notwithstanding the late stage of this debate, I will make a few comments on behalf of my rural constituents. Many negotiations have taken place with the Pastoralists and Graziers Association of WA and the Western Australian Farmers Federation. As in most industries, a very large body of farmers and pastoralists cannot take part in the forums of those organisations. These farmers have some serious concerns about the whole industrial situation, not necessarily relating to these regulations; however, I will direct my comments to them.

The core of resistance lies in the original legislation covering the Department of Occupational Health, Safety and Welfare that was introduced by the former Labor Government and, if my memory serves me correctly, pushed by Hon Peter Dowding when he was in this House and the Minister for Labour Relations. Despite very strong protestations from the Liberal and National Parties, in opposition at that time, the legislation went through. I have no doubt that it did progress workplace safety in the labour intensive industries in clearly defined and fairly confined workplaces, such as factories. In my view, however, it failed badly in not adequately assessing the very different needs of the owners and operators involved in broadacre agriculture and pastoral industries. The other night my colleague Hon Bruce Donaldson referred to the impact of these regulations on the pastoral and farming industries, coming on top of the 1988 regulations. That package puts some fairly severe limitations on the rural industries I have mentioned. The biggest fear farmers have is to do with the contingent liability in the penalties for their conducting what could be deemed by regulation an unsafe workplace.

There will always be shearers who, in bare feet, wish to shear sheep. It is not a recommended practice, by any means, but that is the way they feel comfortable, and they feel safe working in that way. Unfortunately tractors will continue to have punctures in their tyres away from concrete floors and hard level footings, in which circumstances people must be more careful in jacking up machinery. I believe very strongly in safety in rural industry. We all know accidents are wasteful; they cause human suffering; and they are very costly in the loss of trained personnel and down time. Most farmers and pastoralists are very aware of the dangers. Most are careful and are aware of the need for good safety practices in their industries. Most people comment that injuries occur from a lapse in attention to safe work practice. Therefore, emphasis must always be placed on safe work habits and, in this respect, intelligent and relevant training will always be the cornerstone of a safe, happy and productive workplace, which is what we are all aiming for.

Commonsense must be the key to the appropriate implementation of safe work practices. I speak now to express my general dissatisfaction with the overall concept of over regulation. I do not like regulations. Most regulations end up costing the taxpayer an enormous total amount when we add up the costs of the regulations and their implementation; ensuring compliance; enforcement on small business, in particular; and a host of other costs of which all members will be aware. Inevitably these costs come back to the owner-operator of mostly small business, but also large businesses. Those costs are put onto the price of goods and, in turn, are paid by the consumer. Because these costs are an extra burden, they depress profitability of business across the board which, in turn, depresses employment growth and prospects for the future.

Throughout history it has been shown that regulations are a burden that do not repay the money and time spent on them. That money is probably better spent in educational processes. Although there is probably a different need in a factory situation, I implore Ministers to look at the overall impact of these regulations. I do not think we can put in place a prescriptive scheme, which covers areas as diverse as a shearing shed in Yalgoo and a factory in Welshpool or Kwinana. We must move towards a more flexible system. That is why I have great concern with, not only these regulations, but those that were before them. The 1988 regulations are pretty onerous, but I acknowledge they have done some good in some industries; however, they have certainly given rise to a great deal of disquiet and concern for our constituents.

If a shearer working 100 or 200 miles from a town, chose to shear in bare feet and damaged a leg artery, he could bleed to death before he reached a hospital. Although that is a common scenario, fortunately it is not a common accident. My brother-in-law employed a shearer from New Zealand who drove a handpiece into the artery of his arm just below the elbow. The shearer was put in a car and raced to Wagin District Hospital, and met by the ambulance halfway there. He was very lucky to have his life saved. That accident had nothing to do with what he was wearing

on his feet at the time, but it shows dangerous situations occur in shearing sheds. The tragedy is this: Under the present regulations, had that chap died - I must admit, I am an emotive observer, but not a very knowledgeable one on industrial law - the total onus would have been placed on my brother-in-law, in this case, or the farmer in any other case, for conducting an unsafe workplace. If this man had suffered a leg or ankle injury and had not been wearing the proper footwear, and the farmer was not adequately covered, it could have damaged the prosperity and future of the farmer's business operation. That just seems unfair.

World wide there is a trend towards codes of conduct within industries that set out fairly the obligations of the employer and the employee. This is the direction in which all progressive nations are moving. We can no longer take the aggressive, confrontationist role that he is the boss and therefore he is responsible if I cut my finger. We must move away from having a nanny state. We must accept that accidents do happen. Despite all the care that can be taken, people get struck by lightning and hit by falling branches. All sorts of unpredictable things occur in and around farms, particularly large farms and stations.

There is a need to look at the code of conduct concept and to urge Governments of all persuasions to move towards adopting it. The disquiet with these regulations, and the factors behind the union-backed Labor Party seeking to disallow them, is the concern about how they operate. I hope there is a move towards a more enlightened way of taking some of the confrontation and the unduly burdensome risk out of conducting a safe workplace. If the regulations are too prescriptive, we will not have as many people working in that environment. That is not in the best interests of either our work force, or the economy of our State and nation.

Hon Kim Chance: That is a good argument for a broader ongoing review.

Hon W.N. STRETCH: Yes, but along the lines that I have indicated. I hope I have made my case. I do not believe in regulation because regulation leads to over-regulation. We have 300 regulations in this package. Do they replace the 1988 regulations or are they additions? We hope they replace and that 300 does not grow into 600.

Hon N.F. Moore: You can bet on it!

Hon W.N. STRETCH: I would not bet on it either. That is my concern. It is like the Income Tax Assessment Act. The sheer cost of keeping up with the regulations that apply to an industry is just beyond the pale, and it adds to the cost of running businesses which employ people. At the end, it is the people who are hurt by over-regulation. I have now had my beef about it. In the interests of my rural constituents, I have expressed the view that is generally held in the community.

I note that the Farmers Federation has moved towards acceptance of the four outstanding regulations. It has moved a long way from its original opposition. Many of its members are not altogether happy with the stance that it has taken, but my belief is that they said from the bottom of their hearts, "They are not too bad. We do not agree with some of them, but we will go along with them". Going along with them is not agreement, and going along with them is certainly not strong support.

Hon Kim Chance: Is it not true that the Farmers Federation's acceptance is based only on the concept of an ongoing review?

Hon W.N. STRETCH: I believe so. To be fair to the Farmers Federation, it is probably looking after the interests of its members by taking that stance. I urge that we look at other parts of the world which take a more sensible approach and that we get away from regulation where we can and move to a clear and more simplified position where an employer can look at his code book and say, "I warned that guy not to shear in bare feet"; or "I told that guy not to wear a long coat anywhere near a spinning shaft"; or "I told that guy not to jack up the tractor on boggy, sandy ground and to get a good sized block under it"; or "I told that guy to disconnect the battery terminals before he took out the starter." I have done all these things and I know what I am talking about. I do not shear many sheep in bare feet now, fortunately. Those things do occur, and we must look at making the workplace legislation fit, modern, mobile and flexible.

I urge Ministers of all Governments, not just ours or those who were Ministers in the former Government, across Australia to look hard at this matter so that we can be competitive and move Western Australia and, indeed, Australia, forward to fulfil its destiny, to make good use of its resources, to engage in downstream processing, and to have a safe, agreeable workplace where the employees can look at the codes of conduct and say, "Well, I have to accept that he did tell me not to shear in bare feet", and where we can have a partnership of liability. The Australian work force is very flexible and pretty intelligent. Most employees want to get home in one piece to their spouses and loved ones at night. Given the right incentives, employees can be trained very easily to take care. We will always get cowboys in every industry, and we will always have accidents in every industry, particularly the agricultural and pastoral industries. The trend towards regulation has tended to make it more difficult and more financially hazardous to run

these industries, and that is, therefore, a disincentive to employment and growth. I do not think that is what any of us wants.

HON MARK NEVILL (Mining and Pastoral) [11.24 am]: There are some basic dilemmas in this whole process, and while I have some sympathy with the view expressed by Hon Bill Stretch, I fundamentally do not agree with him. I can speak from experience in the mining industry in the 1970s, when what we thought were safe work practices would appal us these days. The same occurs in agriculture. We must change the culture and behaviour. We do not do that just by having a duty of care and just by having legislation. It is an education process. We need to move on from point A where people are told, "Do not jack up the tractor on soft ground", but that advice does not sink in.

It is the same in the mining industry. People think it will not happen to them; it is fate. The evidence is indisputable that safe work practices reduce accidents. We must get people to think safety. I worked underground for six years, and I was always aware of where I was standing. If I was in a mine opening, I would always stand close to a pillar because I always reckoned the further I got out under the unsupported roof, the more chance there was of a rock being loose that I could not see. It is a mind-set where we need to minimise the risk all the time in everything we do. I remember being in Boyup Brook some years ago on Christmas Day when a young man, my wife's cousin, was killed on his tractor. He had a wife and three young boys.

Members will know as well as I that an appalling number of injuries occur in the agricultural sector, many of which are not reported, and safe work practices are very patchy. In the mining industry, work practices vary from absolutely exemplary at companies like Alcoa to absolutely substandard in some other companies. The Murchison is probably one of the weakest areas in the mining industry at the moment and has been for the past four or five years. The culture there has not changed. People from that area are still thinking the way they did 10 or 15 years ago. They do not have a risk minimisation mentality about what they do. That mentality does not make people work more slowly or less productively. Often it makes people work a lot smarter. We must go from a motherhood-prescriptive regulation approach to a duty of care-code of conduct approach. That will work only when the culture has been established. It is a transitional process.

I do not believe the culture has changed enough in the agricultural industry, particularly the pastoral industry. Many ringers and people like that still behave like yahoos. We all remember the case of the two young lads, Annetts and Amos, who died in the desert. They went out in the desert with a car which had the front drive shaft missing so it had only two-wheel drive, and with no water or equipment. They did not tell anyone where they were going. Admittedly, they were young boys of 16 and 17, but that should never have happened. I guarantee that mind-set is still there among a lot of people, particularly in the pastoral and agricultural industries.

Although I have some sympathy for the view expressed by Hon Bill Stretch, I do not know that we are ready to jump from one point of the spectrum to the other.

Hon W.N. Stretch: My concern is where there is a large raft of regulations, which departments and Governments admit cannot be properly policed in many cases. They come into place only when an accident happens. That is not a satisfactory way to go and it is not achieving as much as it should be.

Hon MARK NEVILL: I am not aware of the raft of regulations in the agricultural area, but the regulations under the Mines Safety and Inspection Act are terrific. I am glad the Attorney General is here: The regulations under the water and electricity Acts are a nightmare.

Hon Peter Foss: I didn't do either of those.

Hon MARK NEVILL: No, but the bounty of the Attorney General's previous actions remains. It will take years to clean up. The Attorney General was on parliamentary business yesterday when we dealt with amendments to the Electricity Act - a 1945 Act.

Hon N.F. Moore: '45 was a great year.

Hon MARK NEVILL: Yes, it was a vintage year; although it improved two years later! An area that concerns me is machinery. These regulations have moved away from what I thought was a sensible set of regulations for classified machinery in the mining area. The new legislation imposes a duty of care on manufacturers and suppliers. Those legal and moral responsibilities are reflected in much better equipment being designed. It is safer and quieter equipment and has the hazards well designated on it. The new generation of equipment in mines and industry is far safer than much of the existing equipment. Much of that equipment has been there for 10 or 20 years. I dare say that if an X-ray machine were run over it, as is done over the gas pipeline to pick up flaws, all sorts of flaws would be found in crane booms and the rolled steel joists that the winches run on - things that are not looked at. Accidents are waiting to happen.

I am concerned that a number of machines are no longer covered in the occupational health and safety regulations. The machines that no longer require inspection and registration include overhead travelling cranes; bridge and gantry, monorail and vehicle loading cranes; boom-type elevating work platforms, which are the cherry pickers; and certain classes of pressure vessels. Some pressure vessels are covered. Those that are not include medical autoclaves. If the wrong tap on an autoclave is turned off, a fantastic temperature and pressure builds up. That occurred recently where my wife works. A heap of surgical masks and other gear were cooked in an autoclave because someone made a mistake when turning a tap on or off. Men and materials hoists will no longer be covered either. That amazes me. Any equipment that hoists workers should be registered and inspected. Mobile cranes with a capacity under 10 tonnes and vehicle hoists also will not be covered. Another list of equipment that has had its inspection process downgraded includes pressure equipment vessels, lifts and escalators, cranes that carry in excess of 10 tonnes, and amusement rides and devices, which is equipment in amusement parks. That concerns me.

When the bicentennial exhibition came to Kalgoorlie in 1988 from South Australia, Doug Ayre was a regional manager of SECWA at the time. A complete electrical inspection of that equipment was carried out because it was the first stop from South Australia. Cables were running everywhere. The cables and equipment can be seen at sideshow alleys at fairs in the country, and accidents always occur with that equipment. It disturbs me that that equipment will not be subject to the inspection it was previously.

The department shifted away years ago from regular inspections to random inspections. I am not sure what the level of random inspection is now, but I suspect that it is very low and is probably approaching zero and that inspections rely basically on tip-offs or information from the public. If that process is downgraded, that will further weaken the prospect of picking up defective machinery. Previously, a third party - a competent person and someone who was detached from whoever owned the machinery - inspected the machinery. The regulations have now changed so that someone who operates within a company can certify the equipment. That is a suspect, and probably dangerous, approach to take because it would be difficult for an employee to order the shutdown of machinery that did not stand up to inspection. In some less mature industries or workplaces a lot of peer pressure would be brought against a person taking that sort of action. Therefore, it is preferable that someone outside the company conduct that inspection to ensure that the equipment is safe.

Schedule 3 of the Mines Safety and Inspection Act outlines the maximum period of inspection of registered classified plant. A legal requirement exists, and I suggest there would be a high level of compliance with it. Boilers that are categorised as hazardous - there are a number of levels - must be inspected every two years, and pressure vessels must be inspected every three years. There are some exceptions with air and gas equipment and pneumatic loaders.

The third category is tower cranes. They are required to be inspected prior to use after each jump, or once a year, whichever is the shortest time. I suppose a jump means an extra boom. I am not sure what that means, but at least every year tower cranes are suspect because of flaws in the steel. Lifts, and hoists with platform movement in excess of 2.4 metres used to lift people, must be inspected every two years. Boom type elevating machinery must be inspected every two years; gantry cranes, with a safe working load greater than five tonnes, and bridge cranes with a safe working load of 10 tonnes must be inspected every four years. Vehicle hoists, and mobile cranes with a safe working load of greater than 10 tonnes must be inspected every two years. Therefore, we have a much stricter regime of inspection at mine sites.

With these regulations, we have a different set of standards under WorkSafe from those under the Mines Safety and Inspection Act for the mining industry. That is of great concern to me because we also have different regimes between States. If one State requires that machinery must be stripped down completely every 10 years, and that requirement does not apply in another State, national contractors such as Boral and others can just move their machinery around to avoid the more prescriptive requirements.

Hon Max Evans: You do not believe that a large public company would take that risk. I know that they could, but do you believe it?

Hon MARK NEVILL: I do. If I had to strip down my machinery every 10 years, and it was approaching the 10 year mark but the requirement in New South Wales was to strip the machinery every 20 years, I would do it. I see no reason for a major public company not doing it. We have a different regime between the States, and that is a problem. Why do we really need a different regime in each State? Much thought went into the Mines Safety and Inspection Regulations. I think that the unanimous view on this side of the House was that the Mines Safety and Inspection Act and regulations were a big improvement on the Occupational Safety and Health Act. We acknowledge that. Even though many of my colleagues have fought for years to have the mines legislation subsumed by the Occupational Safety and Health Act, I do not share that view.

Hon A.J.G. MacTiernan: Some of us are coming to not share that view either, after the performance of DOHNSWA.

Hon MARK NEVILL: It heartens me to hear the member say that.

Hon Max Evans: Do you mean that she is not a slow learner after all?

Hon A.J.G. MacTiernan: You have run DOHSWA down so much that we would not advocate anyone going to it.

Hon MARK NEVILL: Hon Alannah MacTiernan has shown herself to be someone with a mind of her own. She has close links with the builders' union, and she supported my position on Wittenoom. That took great courage.

Hon Max Evans: So she is a fast learner!

Hon MARK NEVILL: She comes to her own judgments. Sometimes I do not like them, but I appreciate them when they coincide with mine. I admire anyone who can come to his or her own view, whether I agree with it or not. I worry about the people who look around and see what everyone else is doing, before making a decision.

I have tried to come to grips with these national standards, but I do not understand what applies. I cannot see standard AS2550 applying under the Mines Safety and Inspection Act. However it is referred to in this legislation. Certainly AS148 applies. I am not sure whether it is AS148 or ASA1418. I can sort that out later. I cannot find it at the moment. It seems that different standards are applied. Maybe that is because that equipment is not used in the mining industry. We should have uniform legislation and regulations, wherever possible. In this case, we have had a fairly recent set of regulations under the Mines Safety and Inspection Act being not so much ignored but not followed in the regulations the subject of this disallowance motion - that is, the Occupational Safety and Health Regulations. They should have been common where that was possible.

The Minister said that the Mines Safety and Inspection Regulations pre-empted the outcome of the regulation review by the WorkSafe WA Commission. I do not think they pre-empted that review. It is a separate body, although it comes under the commission. My understanding is that a thorough review of this area was undertaken by specialists at the time, which came up with this schedule of plant and equipment which must be registered and inspected. I do not see that work pre-empting this later work. The later work has decided that whoever put together the Mines Safety and Inspection Act was too tough.

Many accidents in recent years, at least in the mining industry and to a large degree in the non-mining industry, have involved machinery. I remember seven or eight years ago drawing to the attention of the House the number of deaths involving the use of forklifts. There are still far too many deaths in that area; however, some very good material and education and training programs have been provided, and forklifts are better equipped. The whole area has been cleaned up, but still we have deaths of people working from elevated platforms, out of buckets on machinery, and all sorts of others. I do not have a list, but machinery is usually involved in the majority of deaths in the industry. It is only recently that the mining industry has experienced a resurgence of accidents from rock falls. That probably is as a result of not using enough machinery. It is certainly important that thorough inspections of equipment be carried out. When the workplace safety culture has completely changed we can consider implementing codes of conduct and a duty of care. Our task is to change that culture.

Undoubtedly the changes made in occupational safety and health in the mid-1980s have had a great impact on the culture of safety and health in the workplace in this State. Even though the duty of care amendments to the Mines Regulation Act were not proclaimed for two years after they had passed through this Parliament, most companies had implemented various occupational safety and health committees. In most cases the principles had been adopted by industry even though the legislation had not been proclaimed.

The WorkSafe Western Australia Commission is moving far too quickly in deregulating equipment. As I said earlier, a considerable amount of old machinery is still in the work force, which was not subject to the strict requirements provided for in modern legislation. Under general duties relating to items of plant these are the headings of the regulations required by the Mines Safety and Inspection Act: Plant must be maintained and operated in a safe manner; designer to identify hazards associated with plant and to assess risk; designer to reduce identified risk of exposure; designer to provide information; manufacturer to identify hazards and to assess and reduce risks if designer is outside jurisdiction; hazard identification during manufacturing process; manufacturer to reduce risk of exposure to identified hazards; importer to identify hazards and to assess and reduce risks if both designer and manufacturer are outside jurisdiction.

Those are seven of approximately 30 requirements under that section. New machinery must now comply with much more stringent requirements. It must undergo greater scrutiny at manufacture, designer and operating stages, which did not apply to the existing old equipment. These regulations will downgrade the registration and inspection requirements, particularly on old machinery, which I suggest is unsafe in many cases. Without the previously required more frequent, regular and random inspections the risks in using that older plant are greater. These

regulations are particularly flawed in the way they cover plant and equipment. For that reason they should be disallowed.

I take up Hon Derrick Tomlinson's offer to join me in disallowing these regulations because they will create havoc. A great challenge is thrown before his feet!

HON A.J.G. MacTIERNAN (East Metropolitan) [11.55 am]: Hon Derrick Tomlinson is looking somewhat shell-shocked at being called upon yet again by the Opposition to show independence of spirit, of which we hear much.

Hon Derrick Tomlinson: You should show courage of your own rather than relying on my courage.

Hon A.J.G. MacTIERNAN: We are happy to show our side of the position; we are encouraging Hon Derrick Tomlinson to give full vent to the fearsome independence which we understand is supposed to be a hallmark of his character.

Hon Derrick Tomlinson: You should not listen to gossip about me; but judge me by what I do.

Hon A.J.G. MacTIERNAN: Unfortunately we have judged him by what he does and we have been a touch disappointed, although he crossed the Chamber on the important adoption issue and Hon Kim Chance tells me there were others. He has probably out-done Hon Peter Foss, who managed to cross the floor once to save his party from enormous political embarrassment.

The DEPUTY PRESIDENT (Hon Barry House): Order! We should hear something about the motion.

Hon A.J.G. MacTIERNAN: I agree; I apologise for having digressed. We clearly set out in our debate that we were keen to determine what was the Government's response. That is why the Opposition asked for a delay between when we spoke and the Government's response to our concerns because they were legitimate concerns. Notwithstanding the views of Mr Bartholomaeus and Mr Kierath, this has not been in any way a gross political exercise. The disallowance motion moved by the Opposition to facilitate debate arose out of concern that aspects of these regulations were unfortunate. We also wanted to put on the record areas in which we believe the opportunity had been lost to do something much better.

I am very disappointed in the calibre of the Government's response. None of the concerns we raised, particularly about where we saw the level of protection being reduced, was seriously addressed in any way. We have always acknowledged that, on the whole, the regulations are good. The package contains positive measures and its compilation was a monumental achievement. I appreciate the work put in by the WorkSafe Western Australia Commission and by the representatives appointed from the Trades and Labor Council, the Chamber of Commerce and Industry and the other bodies. It was a truly massive effort and required an enormous amount of detailed work.

Notwithstanding that, there are areas of concern. Therefore, I hoped for a more considered response from the Government. The quality of the response from the Minister was very disappointing, although some thoughtful contributions were made by other members. I accept what Hon Bill Stretch said about having to be somewhat cautious not to impose unrealistic obligations on employers. I understand that in the circumstances referred to by Mr Stretch situations arise where an employer does all he can, but an employee may imperfectly acquire a culture of safety and create problems, and that not every accident can be laid at the blame of the employer. However, to go on to say that he was opposed to regulation because it led to over-regulation and we should beware of the nanny State was an absurdity. Hon Mark Nevill addressed the point very well when he said he had seen massive improvement over 20 years in the mining industry, where the culture had been changed substantially. Things which 20 years ago would have been considered quite acceptable would be greeted now with absolute horror by employee and employer alike. Although I am sympathetic to the plight of some employers, to use that as a basis for abolition is not to have learnt the lessons of history.

Hon W.N. Stretch: You have to concentrate on looking forward, not backwards.

Hon A.J.G. MacTIERNAN: If one took the member's words at face value, he was advocating the abolition of regulation because once we have regulation we have over-regulation. I do not support that.

This may be an apposite time to comment on points made by the Minister for Finance. We indicated areas of opportunity to regulate that had not been taken up and areas that had been left uncovered and unattended. The Minister's response was, "Look, the Act has a general duty of care and that will deal with the problem." If that were true, and if we were to rely on that principle, there would be no need at all for regulations.

Hon Max Evans: That is what I am saying. Why disallow them when there is no need for them?

Hon A.J.G. MacTIERNAN: It is time we had a little seminar, perhaps organised by the Clerk, on regulations, delegated legislation generally and the parliamentary processes surrounding them. If this legislation were disallowed, the situation would not be one of no regulations. I do not understand how members opposite could have been in this House for such a long time and believe that if we disallow these regulation the previous regulations would not still be in force. They are repealed by virtue only of their replacement by this legislation.

Hon Peter Foss: You are objecting to only some but want to remove them all.

Hon A.J.G. MacTIERNAN: We were labouring under the same misapprehension that clearly affected members of the other House and Mr Bartholomaeus in his many political statements to the Press, that one can move only for the disallowance of the entire package. Members of the delegated legislation committee were not aware of the capacity to move the disallowance of only some regulations.

Hon Peter Foss: The problem is that the amendment regulations have normally only one or two regulations. The first says, "This may be cited as"; the next says, "The previous are referred to as"; and the next effects all the changes. The problem we have is that although many different regulations are brought in to remove, only three give effect to it.

Hon A.J.G. MacTIERNAN: As I understand it, having had the opportunity in the last couple of days to be briefed on this matter by the Clerk of the Parliament, the Interpretation Act provides that one can even disallow part of a regulation. We have even more flexibility.

Hon B.K. Donaldson: Both Houses must agree to the amendment.

Hon A.J.G. MacTIERNAN: No, we are talking about two different things. There is a process by which I have given notice of an amendment. There is also a process whereby we can disallow part of a package or, indeed, part of a regulation, in one House alone. I do not know that any member of this Chamber understood that.

Hon Peter Foss: I knew that.

Hon A.J.G. MacTIERNAN: Of course, the Minister would. Obviously he is not the sharing type.

Hon Peter Foss: Nobody asked me.

Hon A.J.G. MacTIERNAN: He has not given his colleagues the benefit of his great learning. Even the learned silk in our midst was unaware that we could amend part of a regulation.

Hon Peter Foss: I believe we can disallow a regulation, but not a part.

Hon A.J.G. MacTIERNAN: Perhaps the QC could read the provision.

Hon Peter Foss: I am reading it.

Hon A.J.G. MacTIERNAN: My recollection is it says "regulation or part thereof". It is important to understand that the reason we moved the disallowance of the entire package was that we were under the impression, like everyone else, except the Minister QC -

Hon Peter Foss: I do not agree that we are able to disallow part of a regulation. I certainly agree that we can disallow the regulation.

Hon A.J.G. MacTIERNAN: These are not the regulations which the Minister has described where there are three. There is a plethora of regulations.

Hon Peter Foss: You will find the provision in the schedule to the regulations, I suspect.

Hon A.J.G. MacTIERNAN: We will obviously have to seek even more advice on that.

Hon B.K. Donaldson: To save you all the pain, the delegated legislation committee will report on that to the Parliament.

Hon A.J.G. MacTIERNAN: I wonder if it could do so prior to the completion of this debate!

Hon Derrick Tomlinson: Are you saying that you do not want to disallow the regulations?

Hon A.J.G. MacTIERNAN: We have never said -

Hon Derrick Tomlinson: You moved to disallow and now you are saying you do not want to do it. Will you withdraw it? I do not understand. Perhaps you can get to the point and tell us what you do want to do.

Hon A.J.G. MacTIERNAN: If the member would just calm down and take a Valium -

The DEPUTY PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: The criticism that has been made frequently by various Ministers and the CEO of WorkSafe is that we disagree with only some regulations but we have done this dastardly thing in moving to disallow them all.

Hon Peter Foss: Having read the rest of the section, you are right, you can move for the disallowance of part.

Hon A.J.G. MacTIERNAN: It is important to read the whole of a section. The criticism was that we disagreed with only part of the regulation but that we had moved to disallow the entire package. We were under the impression, as was virtually everyone else in the House, that was the only option available, if we were to have an opportunity to debate the issue. It must have been very clear from my address on the disallowance that I was very much seeking information from the Government about the particular areas of concern. We did not expect that we would achieve much progress in what we described as areas of omission. We wanted certainly to put on record our concern about them. In those areas where we saw the legislation positively derogate from the existing situation, we wanted a proper and decent discussion.

Hon Peter Foss: Does that mean you will withdraw the motion?

Hon A.J.G. MacTIERNAN: No. One of the things we must look at is the possibility that the Interpretation Act now leaves open to us the disallowance of some of these amendments.

Hon Derrick Tomlinson: You still have to deal with the motion before the House.

Hon A.J.G. MacTIERNAN: That is right; I am dealing with the motion. I am dealing now with the Government's response to the concerns we raised about the regulations.

Hon Peter Foss: You have to withdraw it, don't you?

Hon A.J.G. MacTIERNAN: Not at all.

Hon Peter Foss: You have just told us you do not want it.

Hon A.J.G. MacTIERNAN: I said I thought that was our only option at the time. It may not now be our only option. It may be possible for us to seek leave to amend the disallowance motion.

Hon Peter Foss: You will still need to withdraw it.

Hon A.J.G. MacTIERNAN: I am trying to get on with it. The Government has pointed out that it is not bound by the decisions of the commission and that it has a right to deviate from the recommendations of the commission. That is absolutely correct. At the end of the day, it is the Minister's responsibility to set the conditions. However, we are very concerned that the Minister has been most dishonest about what he has done. We are continually finding new provisions that have been changed. Last week I asked expressly whether the Minister could provide us with a schedule of changes that had been made so that we could assess the situation. We got a schedule of five pages of changes that had been made by the Minister after the matter had been signed off by the WorkSafe Commission. These were matters unilaterally determined by the Minister. We had problems with some of those and I will raise them. The Minister for Finance said yesterday -

The Minister for Labour Relations made only two significant changes to the draft regulation recommended by the Commission.

That is extraordinary. There were five pages of recommendations.

Hon Peter Foss: But only two were significant.

Hon A.J.G. MacTIERNAN: Changes were made that we argue are very significant that did not appear on that list.

Hon Max Evans: What is "significant" is only a matter of opinion.

Hon A.J.G. MacTIERNAN: It is certainly only a matter of opinion. However, what should be of great concern to any member on the other side who has some interest in open and accountable government, as was stated before the last election, is that a number of changes - more are coming to light - were not included on the list. I will give the House an example. The Minister said that one area of change that he made - he had a right to make that change and we had a right to complain about it - was to the allowable noise exposure. One of the first acts of this Minister for Labour Relations, on the advice of his chief executive officer presumably, was to increase the exposure level from 85 decibels, to which it had been dropped previously, back up to 90 dB. He accepted that was outside the national standard and conflicted with the principles we have in the mining industry. A regulation was therefore put up to allow

an 18 month phase-in period. The Minister unilaterally decided to extend that to three years. I know he has the right to do that and at least he acknowledged that he did it. However, that was wrong - 18 months is more than adequate for industry to phase it in. However, he did not mention it and the Minister for Finance did not mention in his speech, and we discovered only yesterday that not only has he changed that provision, but also - if I can use this sexist terminology - he has emasculated regulation 3.47. He has taken out the hierarchical response structure to deal with standards for personal hearing protection. These are national standards under which, when there is a problem, one first attempts an engineering solution. If that is not successful, the next level in the hierarchy is an administrative solution; and, finally the application of physical barriers - that is, earmuffs. For some reason he made that change without disclosing it in the documentation given to the WorkSafe Commission or in the documentation given to this Parliament. He made that change without any justification whatsoever. He dishonestly made a change of that calibre without reference to anybody whatever. There must be grave concern about the way Parliament has been misled over this matter. Obviously because the Minister for Labour Relations had not bothered to tell the Minister for Finance about the change, it has not been addressed.

The Minister for Finance also said that the other significant area that the Minister for Labour Relations changed was the post-introductory training. He said he had not sought to prevent representatives from receiving the commission's recommended maximum of three days but the Government would not regulate for it. That is nonsense. The idea of having a law which says, "If you want to, you can" is completely vacuous. Again, no justification was given for the Minister's need to change it. I am not suggesting that the Minister could not change it; however, at the very least when the change was made and it was queried, it was beholden on the Minister to give us some explanation to justify his decision. As I said, there has been no justification for that action at all in the poor responses to our questions.

Another area which the Minister changed and which he failed to mention in the material that he sent to the WorkSafe Commission, about which he failed to advise Parliament - in fact, he misled Parliament into believing there was no change - was hazardous substances. We have said that we understand the intent of the Minister's amending the provisions to broaden the exemptions from occupational health and safety to involve the use of therapeutic substances. However, we believe that the way in which it was expressed failed to pick up a vital phrase from the national model and, having done so, made an exemption much broader than intended. I will deal with that and with the Minister's response later at some length. However, that was a significant area that the Minister changed and about which he failed to tell us in the list he provided to the Parliament.

As I said, we agree there has been extensive consultation and we agree the Trades and Labor Council representatives were not in attendance at the meeting of 7 August and that the WorkSafe Commission had the right to proceed with the package in the way it did. However, that does not justify the attack made on the appointees of the Trades and Labor Council in the speech by the Minister. To put the record straight, I will provide the House with the TLC's response to this matter because it is unfair and improper for such allegations to be made without the full facts being put on the record. The Minister said that the TLC chose not to attend the meeting of 7 August. However, the reality is that one member had organised his annual leave in consultation with WorkSafe to allow his participation in the commission's committee meeting during July. He was in Karratha on 7 August, with the full knowledge of WorkSafe Western Australia; an apology is recorded. Another member was engaged in training with her employer; the apology is recorded. Another member was ill; the apology is recorded.

Hon Max Evans: They could have appointed deputies.

Hon Tom Helm: What is the point of appointing a deputy when they do not know what is going on?

Hon A.J.G. MacTIERNAN: Mr Bryant was on leave, and after seeing the leave figures for the Department of Occupational Health, Safety and Welfare it is a wonder anyone from the department was at the meeting on 7 August. The secretary of the TLC, Tony Cooke, submitted an apology on behalf of those people. He then questioned whether the Regulation Review Advisory Committee had considered the changes that were reflected in the draft the commission was being asked to endorse. The TLC had participated in the Regulation Review Advisory Committee and inquired whether the commission would be deliberating on that. Mr Cooke was told that the draft had not been reviewed by the committee. Mr Cooke advised that without an opportunity to discuss those matters with Mr Bryant, the TLC would not be in a position to endorse the draft, and he would move for endorsement to be subject to a final draft being reviewed by the Regulation Review Advisory Committee.

On 7 August, before the meeting commenced, Mr Cooke telephoned to say that he was too ill to attend the meeting and requested that the TLC's position on the draft regulations be recorded; that is, the TLC was not prepared to endorse the draft regulations until the final draft had been reviewed by the regulation review committee. Mr Cooke was asking that when the commission came up with its final draft, it go back to the committee that had been fundamentally responsible for it - the Regulation Review Advisory Committee - to have that committee sign the draft. Rather than withdrawing its participation from the consultative process, as alleged by the Minister for Labour Relations, by nonattendance at the 7 August meeting, the record shows that the TLC - that is, the members of the

WorkSafe WA Commission appointed by the Government and nominated by the TLC - were seeking to continue and to reinforce the existing consultative process.

These things happen. The TLC was rightly concerned that the Regulation Review Advisory Committee was not offered the opportunity to undertake a final check of the package from the commission. Members should understand that the Regulation Review Advisory Committee was the group that had done the detailed work. It is proper that it should be consulted, and given an opportunity, at least, to comment, if the commission changed the package. The allegations that have been made about the withdrawal of the TLC from the process are not justified, and some concerns exist about the consultative process. This contrasts very much with the approach that was adopted by the Hon George Cash, the former Minister for Mines when the regulations under the Mines Safety and Inspection Act were being dealt with. I understand they were put to the public for comment four times. This is a more complex matter and that would be more difficult in this case. This has taken some time, and I can understand people wanting to get on with it. However, it is not the case that the blame can be laid at the feet of the TLC.

The Government has made some positive statements in response to our concerns in one area. We raised the particular dangers that confront young workers because of their inexperience, their often physical underdevelopment, and, perhaps, their lack of ability to stand up for themselves on issues that need special attention. We expressed concern about the backdown by the commission on a provision from the Regulation Review Advisory Committee. However, we were somewhat heartened at the undertaking by the Government that the commission would continue to investigate and advise on continuing measures to improve the regulation of safety and health of workers in Western Australia. Although we welcome the decision that the Government will discuss this issue further, nothing in this address by the Minister for Finance gave us any inkling of why there had been a backdown on the provision for young workers. I would have thought that that would be the sort of thing he would address.

Another provision that we attempted to address was in relation to the timber industry. We are told that a Bill to repeal the Timber Industry Regulation Act is now being prepared and is awaiting priority in the Parliament. Let us hope it has the same sort of priority as the workers' compensation legislation. The Government advised that the timber industry is planning to develop its own industry code of practice. That tends to suggest that the timber industry will not have any special provisions relating to it. Unfortunately, the Minister has not explained this well at all. The Opposition is concerned and I flag that we will have a serious debate when the repeal Bill comes forward, because it is totally inadequate to allow the timber industry to operate purely on a code of practice. The timber industry has been notoriously dangerous, with five deaths in that industry last year.

The Minister also stated that the timber industry is planning to develop its own industry code of practice. The information that we have received from the relevant union, which is presumably part of the industry and a vocal and active supporter of the timber industry, is that it has not been involved at all in the development of any code of practice. That is an area of considerable concern, and I flag the Government that it should do something about that if it wants the Opposition to support this repeal Bill that it states will come forward as a matter of priority.

The next comment by the Minister for Finance causes the Opposition concern. He says that the reinstatement of the 1988 regulations is not a viable option. He does not explain why that is so. Again, he makes a bold assertion. There is no argument in the statement delivered by the Minister; it contains bold assertions. Two issues arise from the Minister's statement: Firstly, the Government is considering major changes to the occupational safety and health framework if the disallowance motion succeeds. It is in the hands of the Government to determine whether the disallowance motion is passed, so that sort of posturing is difficult to understand.

Hon E.J. Charlton: It is in your hands; you moved the motion.

Hon A.J.G. MacTIERNAN: Does the Minister for Transport think that some government members will cross the floor?

Hon N.F. Moore: You moved the motion, and we are dealing with it.

Hon E.J. Charlton: We thought that by now you would have made peace with the TLC after getting it into trouble. By the sound of it you have been trying to cover up your activities.

Hon N.F. Moore: You made a mess of it, so let us get on with it.

Hon A.J.G. MacTIERNAN: Which activities are these, Minister?

Hon E.J. Charlton: The ones you have been talking about. I have been listening intently.

Hon A.J.G. MacTIERNAN: I honestly do not know from where the Minister for Transport gets his information.

Hon N.F. Moore: You have made a mess of the whole thing.

Hon A.J.G. MacTIERNAN: I have not made a mess at all.

Hon N.F. Moore: You moved something you did not want to move, and after you found that you had moved the wrong thing you tried to get yourself out of it, so let us get on with it.

Hon A.J.G. MacTIERNAN: I have no difficulty with moving a disallowance motion. I have explained it.

Hon N.F. Moore: The consequences were not what you expected.

Sitting suspended from 12.30 to 2.00 pm

Amendment to Motion

Hon A.J.G. MacTIERNAN: At this point I want to take the unusual step of seeking leave of the House to amend the disallowance motion before us, as follows -

To insert after the word "that" the phrase "regulations 3.47, 5.2(b) and Schedule 4.2".

From the outset the Opposition has indicated that it had moved the disallowance motion to ensure sufficient time was available to properly consider this detailed set of regulations. Members of the Opposition were aware of some concerns about the process, and specific concerns had been raised by the Western Australian Farmers Federation, the Trades and Labor Council, and industry representatives. Nothing has changed. I understand the Leader of the House thinks that somehow or other the Opposition has got itself into a difficult situation from which it now seeks to extricate itself.

Hon N.F. Moore: It is unusual to seek to amend the motion when you are winding up the debate on it.

Hon Peter Foss: You have had several speakers since the motion was moved, and one of them could have moved the amendment.

The PRESIDENT: Order! The point is that the member must obtain leave of the House to move the amendment and she must quickly get to the point of finding out whether that leave will be granted.

Hon A.J.G. MacTIERNAN: I am trying to explain myself because I understand members opposite want to listen to the arguments before they determine their position on granting leave. The Opposition originally moved disallowance of the entire set of regulations for two reasons. First, at that point it was not aware of the full range of issues arising from these regulations and, second, only recently did it become aware that it was possible to disallow a sub-set of the regulations rather than the whole package. The Opposition members did not want to make a determination on their position until they had heard the contribution from the Minister for Finance representing the official government position. Many of the issues raised were simply queries but, having considered the answers from the Government, opposition members still have concerns about three areas in particular. It has concerns about a number of other areas, but the three referred to are readily amenable to separate disallowance. Should these provisions be disallowed, the pre-existing regulations covering those areas would remain in force. It is the considered opinion of the Opposition that that constitutes an improvement on the situation that currently prevails. It has never been the intention of the Opposition to disallow the entire package, and I have made that clear from day one.

Hon Derrick Tomlinson: Why was I invited to cross the floor?

Hon A.J.G. MacTIERNAN: Perhaps in anticipation that the Opposition might want to amend the regulations.

Hon Derrick Tomlinson: It was never your intention, but you might have wanted to.

Hon A.J.G. MacTIERNAN: Now that we know we can do this -

Hon Derrick Tomlinson: You are in a hole.

Hon A.J.G. MacTIERNAN: I do not acknowledge that there is a hole.

Hon N.F. Moore: Why not get on with it?

Hon A.J.G. MacTIERNAN: There is no difficulty. The Opposition could stay with the motion for disallowance of the entire package but it wants to be constructive, and it now wants to confine itself to these particular provisions. The opposition members have made their general statements about the sins of omission within the legislation. Having placed that on the record, the Opposition wants to focus on those areas in which the new regulations will make the situation worse than it was prior to their enactment. Although there are other areas of concern, these are the only three provisions that can easily be separated from the total package.

Hon Peter Foss: That is your view. What if somebody wants more of them separated?

Hon A.J.G. MacTIERNAN: They can certainly move to amend more.

Hon Barry House: You cannot move them now because you are summing up.

Hon A.J.G. MacTIERNAN: It has always been open for someone to amend.

Several members interjected.

Hon A.J.G. MacTIERNAN: The Government has the numbers either way, no matter how good the Opposition's arguments are.

Hon N.F. Moore: Let the House make a decision.

Hon Peter Foss: It is a different proposition. You have gone through the debate and now you want to carve the regulations into little bits. Some people may agree with your little bits, but others may want to make further changes.

Hon A.J.G. MacTIERNAN: It is up to them. It is a ridiculous proposition. The same could be said of any amendment moved in this place.

Hon Peter Foss: It is not normally done in the summing up.

Hon A.J.G. MacTIERNAN: I understood people could speak on the amendments and disagree with them.

The PRESIDENT: Order! The honourable member should address the Chair while on the amendment for which she seeks leave.

Hon A.J.G. MacTIERNAN: It has been suggested by way of interjection that somehow I have stifled the capacity of other members to do what I have done; that is, seek leave to amend the disallowance motion. I understand that anyone at any time during this debate -

Hon Peter Foss: Including you.

Hon A.J.G. MacTIERNAN: - has the same capacity to do what I seek to do now.

Hon N.F. Moore: They have not.

Hon A.J.G. MacTIERNAN: No-one's rights have been trampled on in this way. Anyone who wanted to amend the disallowance to refine it to a number of provisions within the regulations, rather than the regulations as a whole, has such capacity. The fact that a member has chosen to do so, does not mean that we should not give consideration to this amendment.

Hon Peter Foss: I think it does.

Hon A.J.G. MacTIERNAN: I have outlined already in the original debate the three areas of concern. The disallowance of schedule 4.2 would see the original list of classified plant remain intact, in which case mobile frames, elevated work platforms, gantries and a range of steam pressure vessels would still require inspection on a regular basis. The amendment would result in controversial provision 5.2B relating to therapeutic uses being removed from the regulations. That provision could be amended rather than disallowed, but we do not have such capacity through this disallowance mechanism. Provision 3.47 relates to the hierarchy of action taken to mitigate hearing loss. This change was discovered only yesterday as it did not appear on any of the lists provided by the Minister to WorkSafe or this Parliament as an area of change.

I seek leave to amend those three areas. We are not in a difficult area. We simply want to recognise that debate has been held on the general issue of the occupational health and safety provisions, and that omissions are not corrected by enacting a disallowance of the regulations. However, we do not want to see the level of safety compromised as represented by the few aspects of the regulations nominated for disallowance in the amendment.

[Leave denied.]

Debate (on Motion) Resumed

Hon A.J.G. MacTIERNAN: Having intended to confine my comments to the areas outlined in the amendment, I now answer some of the other points which the Minister for Finance and other speakers raised in their response to the original concerns outlined.

Hon N.F. Moore: How many hours do you think you will need?

Hon Tom Helm: As many as it takes! Is that okay with you? Do you think that this is your Chamber?

Several members interjected.

The PRESIDENT: Order! I will control debate. The honourable member can speak in response to close the debate. Provided she does not become tediously repetitious, she can continue.

Hon A.J.G. MacTIERNAN: Thank you, Mr President. I gave the House a chance to limit debate, but it decided not to take that opportunity.

Hon N.F. Moore: You have had about three days on it.

Hon A.J.G. MacTIERNAN: The Minister for Finance expressed the view that the demolition industry does not require licensing. He said that in 1995 the National Occupational Health and Safety Commission determined not to introduce licensing of demolition contractors. That is a remarkable misrepresentation of that determination. The national standards and regulations clearly recognise and support the fact that a requirement for licensing was introduced in a large number of States. Given that the Minister has stated to the Chamber, quite misleadingly, that the National Occupational Health and Safety Commission had decided not to introduce licensing, I quote from appendix D of the national model -

The skills required in demolition works are similar in many respects to those required for building construction. However, qualifications and experience gained by personnel in construction work, although advantageous, are not sufficient qualifications for demolition. In recognition of this, the licensing and registration of demolition personnel is required in some States and Territories.

It further reads -

The basic qualifications for demolition personnel are essentially those of the corresponding construction trade, plus a period of training in demolition work under the guidance or supervision of more experienced persons.

We know from recent experience in this State that people in the demolition industry do not have construction training and operate in a very questionable manner. I recently spoke to an operator of one of the biggest demolition firms, which has been around for a long time, and he is winding down the operation and getting out of the industry. The view was that the industry contains so many cowboys cutting costs that it was now impossible to do the job properly.

A report in *The West Australian* outlined similar comments that many operators were not abiding by occupational health standards. It is a cutthroat industry, and in this competitive environment operators cannot afford to comply with the cost of adhering to the standards. The article suggested that this situation led many operators to feel that extraordinary measures were needed to keep various WorkSafe officers onsite.

I note that the speech by Minister Kierath introducing these regulations was totally misleading. He claims that supervisors will be required under the regulations to have a building trade qualification or builder's registration and at least three years' appropriate experience. The fine detail of the regulations indicates that that is not how it will work at all. It incorporates by reference parts of appendix D of the national standard, which in itself is only informative, and which does not clearly set out the required level of training or competence. For example, as a result of one of the lists of certification, given the general way in which these regulations are phrased, it could be possible for a person to be qualified to work or to be a supervisor in the demolition industry purely on the basis of being first aid personnel.

The regulations have been drawn up in just a mickey mouse way, with a very vague reference to appendix D from the national code that traverses a whole range of possible activities within the demolition industry, but does not include all the skills that would be appropriate or adequate to train or equip a person to undertake the role of a supervisor in the industry. The most cogent example of that is first aid personnel. On the basis of this regulation, a lift operator would be qualified to be a supervisor in the demolition industry. The Government will rue the day it declined the opportunity to take the demolition industry in hand. We did not single out the demolition industry provisions for a partial disallowance because the current provisions, no matter how inept or inadequate they are, are an improvement on what is in the existing regulations, notwithstanding that they fall short of what is required. It will be interesting to see the recommendations that come out of the Coroner's inquiry. In his reply the Minister made no reference to the fact that the call for regulations for licensing within the demolition industry is widely supported by the demolition operators, who are very concerned that it is becoming impossible to run a safe operation.

Points of Order

Hon P.R. LIGHTFOOT: Would the member be kind enough to identify the document from which she is quoting by perhaps reading the front cover of it?

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): The member is requested to identify the document.

Hon A.J.G. MacTIERNAN: The document, at which particular point?

The DEPUTY PRESIDENT: Order! The member is simply asked to identify the document from which she was reading, which requires that she gives the name, etc on the cover of the document.

Hon A.J.G. MacTIERNAN: At the point at which Hon Ross Lightfoot rose to seek the identification of the document, I was not reading from it.

The DEPUTY PRESIDENT: Order! The member has been requested to identify the document from which she quoted.

Hon A.J.G. MacTIERNAN: I am just trying to clarify this.

The DEPUTY PRESIDENT: The member is being asked to identify the document in her hand.

Hon A.J.G. MacTIERNAN: The document in my hand is not the one from which I quoted. The document from which I quoted earlier is entitled "Certification and Qualifications of Personnel, Appendix D".

The DEPUTY PRESIDENT: I ask the member to identify the document from which she quoted.

Hon A.J.G. MacTIERNAN: I just want to make it clear that it was not the document I had in my hand at the time the member rose. I have quoted from a range of documents.

The DEPUTY PRESIDENT: All the member is being asked is to identify the document from which she quoted.

Hon A.J.G. MacTIERNAN: At some minutes earlier.

The DEPUTY PRESIDENT: The one that she is about to identify.

Hon A.J.G. MacTIERNAN: The one that I have now picked up, which I previously did not have in my hand, is "The Australian Standard: The Demolition of Structures AS2601, 1991 Appendix D page 33".

Hon P.R. LIGHTFOOT: Could the member identify the document from which she quoted; the one that she had in her hand originally?

The DEPUTY PRESIDENT: The member must seek to have the document identified at the time Hon Alannah MacTiernan is quoting from it. He cannot request the identification of the document retrospectively.

Hon A.J.G. MacTIERNAN: I am happy to identify any of the documents I have used. I have in my hand yesterday's *Hansard*. That might be causing some confusion to the member. Basically I am going through it -

The DEPUTY PRESIDENT: I point out to the member that she has in her right hand at the moment the *Hansard* uncorrected proof - not the *Hansard* - which is not to be quoted.

Hon Cheryl Davenport: It is what the member over there said yesterday.

The DEPUTY PRESIDENT: If Hon Cheryl Davenport wishes to address the Chair, she must seek the attention of the Chair.

Hon Cheryl Davenport: How pedantic!

Hon A.J.G. MacTIERNAN: I am not quoting from the uncorrected proof of *Hansard*. I have it in my hand to help me go through the issues that have been raised by the Minister. I am not quoting from it.

Hon N.F. Moore: We agree. How about getting on with it so we can finish this matter this year?

Debate Resumed

Hon A.J.G. MacTIERNAN: I had just about concluded my remarks on the demolition industry. As I was saying, I think the Government will rue the day it declined this call for licensing within the demolition industry which is not confined to unions; it has been echoed by the industry. As we have seen from some comments in the newspaper recently, the ramifications for not moving in this area will be widespread. Some of these allegations about corruption and the capacity for corruption appear to arise from the great difficulty in the current environment for operators to comply with the regulations in the competitive tenders they have submitted for various demolition jobs.

I raise a final issue in direct response to the comments made by the Minister in his reply. He was very dismissive of the claims we have made about the exemption of health workers from the protections of the Act in relation to hazardous substances. I have never argued that there was any ill intent in the way in which this provision was drawn

up, rather there was a mistake and an unintended consequence. I must be careful in what I say because I cannot quote the Minister. He made comments to the effect that there was no problem with this issue; that it could not be argued that it was - I will not quote him - an extreme interpretation of the regulation to say that it would include substances such as mercury, glutaraldehyde and cleaning fluids because these are therapeutic substances.

I ask the Minister to turn his attention to the provision again. It does not talk about therapeutic substances, but about substances that are used in connection with the prevention, diagnosis, alleviation and curing of a disease ailment. It is not the same as a therapeutic substance; it can be broader. The national code refers to a wide range of substances that may well be included in this regard, such as those we have suggested. I do not think there is anything at all fanciful about the concerns we have raised. We were not arguing there has been any bad faith on the part of the Government in drawing up these regulations. The national code specifically says that hazardous laboratory agents are covered in this area, which is precisely the sort of thing the Minister said could not be argued as coming within the definition. Unfortunately the Minister got that wrong. We can only hope our broad interpretation of this provision is not supported in the courts. We will be interested to see whether at some future time the Government needs to come back to this place to amend that regulation.

It is unfortunate that the huge body of work that has been done by many people, particularly the regulations review advisory committee, over the past three years has been tarnished at the end by the adoption of some processes that are less than optimum. Many of the concerns and issues that we have raised were not insurmountable and could have been sorted out earlier. It is a pity that the substantial effort that has been made by so many people to put these regulations together has been marred by those deficiencies.

Motion, by leave, withdrawn.

Hon N.F. Moore: What an absolute, pathetic joke you are!

SELECT COMMITTEE ON WESTERN AUSTRALIA-SOUTH AUSTRALIA QUARANTINE CHECKPOINT

Final Report Tabling

By leave, Hon P.H. Lockyer presented the final report of the Select Committee on Western Australia-South Australia Quarantine Checkpoint, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 855.]

DIEBACK - PAPERS TABLING

By leave, Hon Peter Foss (Attorney General) tabled papers relating to dieback.

[See paper No 856.]

STATEMENT - ATTORNEY GENERAL

Courts Quarterly Workload and Case Delay Report, Tabling

HON PETER FOSS (East Metropolitan - Attorney General) [2.34 pm] - by leave: For some time now the court services division of the Ministry of Justice has been identifying, collating and analysing statistical data about court workload levels and case delays. I am pleased to table the Courts Quarterly Workload and Case Delay Report for April-June 1996 in this House and advise members that each subsequent report will be tabled for their information.

The quarterly report is a significant step forward in providing up to date and relevant information about court workload levels and case delays. I am tabling the report in the interests of open and accountable government, ensuring that relevant information is made available in respect of this key service to the community. The quarterly report seeks to amalgamate, for the first time, statistical data from the Supreme, District and Magistrate's Courts and represent this data in a graphical form to reflect the trends in workload and case delay. The data gathered and represented in the report is at a basic level, and while it does not take into account the numerous other functions within courts, it does, even in this preliminary form, have an important bearing on the manner and efficiency in which matters are dealt with. I have instructed the Ministry of Justice to further develop these reports over the coming periods. Additional data will be gathered and represented, while ensuring that the relatively simple, and easy to read and interpret, format is maintained. This report provides a good basis for future enhancements.

With regard to the quarterly report being tabled here today, I ask members to note a number of issues:

At the end of 1995-96, it is apparent that the general trend, taken over all jurisdictions, seems to be a slight decrease in the number of lodgments and similarly in listing intervals in comparison with the previous 12 months.

In the Supreme Court, the civil listing interval was reduced from 24 weeks in May 1996 to 12 weeks by the end of June 1996 because of the significant number of cases being disposed of by mediation and judgment. Again in the Supreme Court, for the full year there was a 33 per cent increase in the number of Full Court appeals, although the listing interval has come back from approximately 60 weeks in June 1995 to 28 weeks in June 1996. Criminal lodgments for the Supreme Court were down slightly on last year; however, the listing interval has increased by approximately 10 weeks.

Criminal lodgments for the District Court have remained static over the past two years and the listing interval for criminal matters has been falling. In recent months, however, it has increased from a low of 24 weeks to around 38 weeks. The increase is expected to be short-lived and the further downward trend is anticipated to continue.

There is considerable variation of civil and criminal lodgments and listing intervals at the metropolitan Magistrate's Courts, with increases, decreases and, in some cases, figures consistent with previous periods being demonstrated, depending on the court and matter.

I look forward to bringing before the House at a later stage the July-September Courts Quarterly Workload and Listing Interval Report and I am confident that with each subsequent report the quality and usefulness of the information presented will improve. I seek leave to table this document.

Leave granted. [See paper No 857.]

[Resolved, that the House continue to sit beyond 6.00 pm.]

MOTION

Mining Lease 70/835 on Chinocup A Class Nature Reserve, Consent

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.36 pm]: I move -

That pursuant to section 24(4) of the *Mining Act 1978*, the House consents to the grant of the application for mining lease 70/835 on Chinocup A Class Nature Reserve.

It is well recognised that salinity is a major problem in rural Western Australia, in particular in the wheatbelt. This resolution will help to ameliorate the problem of salinity in a particular area of the State - the farmland adjacent to Lake Chinocup. This farmland faces the problem of low agricultural production from large areas of water-repellant clay soils, and as a result experiences erosion, waterlogging and rising salinity tables. The Lake Chinocup A class nature reserve is also under threat from rising saline watertables. It is possible that if nothing is done to try to reverse the soil degradation in the areas surrounding the reserve, it also will be lost to land degradation as well as the surrounding farmland.

Simplistically, the application of gypsum to these types of soils provides beneficial changes to the soil structure by allowing the penetration of water. As a result, many of the environmental problems of run-off and erosion are avoided. Coupled with changed farm and land management practices, considerable benefits will be gained in increased productivity from this type of farmland, as well as the recovery of degraded soils. A recent report by Agriculture Western Australia indicates that at least 72 000 hectares in the Lake Chinocup vicinity would respond positively to the application of gypsum. The Lake Chinocup reserve contains a significant deposit of gypsum on a small area on the edge of a salt lake which can be removed with minimal disturbance. The nature reserve is almost 20 000 ha, of which 12 500 ha is an unvegetated salt lake. The proposal is to disturb 2 ha per year for five years in extracting gypsum. It is generally thought that the application of gypsum will deliver a 40 per cent crop yield increase. With higher levels of nitrogen, crop yield increases of up to 70 per cent can occur.

During consultation on this proposal, the proponents came to an agreement with the local Landcare group for an arrangement whereby 50¢ per tonne from production will be paid to the community for use in land care. This fund will be administered by the Lake Chinocup Catchment Resource Management Committee and will be used for ground works such as fencing remnant vegetation and whole catchment works. It is expected that \$15 000 will be available each year for land care within the catchment. There has been a long consultation process with the Lake Chinocup Catchment Resource Committee to reach this point. The environmental concerns raised by the committee have been addressed by the proponents and they have agreed to a bond of \$10 000 per hectare mined to ensure they comply with the set environmental conditions. Once mining has been completed and the disturbed land rehabilitated,

it will again form an integral part of the reserve. We also anticipate that mining gypsum and applying it to the surrounding farmland will ensure the future of the Lake Chinocup nature reserve.

In summary, without the cooperation of the landholders and agencies it is inevitable that the reserve will be seriously degraded from rising saline watertables. The local community has been very supportive of the development of a management plan to benefit farmland and has instituted a package of sustainable agricultural practices to improve the health of native vegetation. Gypsum is the essential ingredient of this plan. There is no doubt that the protection of A class nature reserves is very important to the State and, as this motion attests, it is only with the agreement of both Houses of the Parliament that disturbance of a reserve is allowed. However, in this case the preservation of the reserve as a whole is dependent on the disturbance of a very small proportion. The environmental values of the Lake Chinocup A class nature reserve will benefit greatly from the application of gypsum to the catchment area, and the benefits to the region in terms of increased agricultural production will be significant. There is no doubt that the overall environmental benefits to the reserve and the surrounding farmland significantly outweigh the disturbance of a small area of the reserve. I ask the House to support the motion.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [2.40 pm]: The Opposition supports the motion. Lake Chinocup is perhaps not a place that some metropolitan members have previously heard of. A metropolitan member, or even a member from the north of the State, could be excused for saying that Lake Chinocup was hardly a landmark environmental battleground. However, not a single member who represents the southern half of the State, particularly the rural part of the southern half of the State, would share that view. Lake Chinocup has been the centre of a long conflict between farmers, on the one hand, who desperately need access to the mineral gypsum, subject to the mining application and the bureaucracy, and environmentalists on the other hand. The Chinocup nature reserve is an area of almost 20 000 hectares based on a core of the salt lake system - the ancient internal drainage system of the area. Of that 19 825 ha, 12 500 ha is bare, unvegetated, salt lake.

The conflict I refer to has been a long one. For those closest to the conflict it has been marked by years of frustration and, at times, bitterness. A great southern newspaper, I think it was *The Gnowangerup Star*, recently ran the headline "Chinocup: Exercise in bastardry". The article went through some details of what had been going on in the area. The article itself was a trifle emotive. It was based on factors that I do not think are entirely correct. However, the question that presents itself is why such a humble mineral as gypsum, and such an unintrusive form of mining as is involved in the extraction of gypsum, has caused such controversy. It is an interesting question and probably one on which I should not seek to lead members to any view. However, it is appropriate that the House be made aware of some of the facts surrounding the application to mine.

As the Leader of the House described in introducing the motion, gypsum is of great value to agriculture. It is generically titled hydrated calcium sulphate. It forms in crystals in the lake bed. The crystals degenerate over long, dry summers and are picked up by the wind and blown normally into the south east corner of the lake where they create a dune formation. Generally it is a sand-like substance and sometimes it is referred to as gypsum sand, which is not a terribly accurate description. It has remarkable qualities in clay soils. It is able to penetrate between the colloidal particles and separate the locked in, rock hard soils and make them friable, thus allowing the entry of water. These soils in my part of the world - I imagine it is slightly different in the Kent shire - were normally vegetated by the gimlet tree or the gimlet-salmon gum combination. I think chiefly yate-type soils in the Shire of Kent would be affected by that, but that is not a vegetation type with which I am familiar.

Regardless of what vegetation is growing on these soils, they have a generic name among farmers - Sunday soils. Sunday soils are typically those that are too wet to work on Saturday, just right on Sunday, and too hard on Monday. They are once fertile and once extremely productive soils that have degenerated through the normal processes of agriculture, now discontinued processes, that involved overworking, particularly in wet conditions. They form a soil surface that is so hard it is possible to ricochet bullets off it, and rainfall, sadly, also ricochets straight off it. That creates huge problems for the land that is downstream from that soil type because it is effectively impervious soil. All the rain that falls, particularly rainfall that comes down in sharp, heavy showers, becomes run-off and creates problems further downstream.

The Chinocup reserve, as with many similar reserves that extend throughout the great southern and the wheatbelt, has over the years been designated as A class reserve. Those areas were generally not first designated as such; they were simply excised from areas that were released for freehold tenure for farming because nobody else wanted them. The internal drainage system, the salt lake system, was viewed as valueless and the areas were simply excised and not released for farming. It was not until much later that it was realised that they had a value. In retrospect, it would have been better had a large area of land on either side of the salt lake system been allocated to providing a higher quality reserve. The A class reserves surrounding the salt lake systems of the wheatbelt and great southern are valuable. It is right for people to be concerned about anything that might degrade them to any extent.

Because of that history of excision of the salt lake system, generally not many salt lakes are found outside A class reserves; few are on private land. One of the consequences of that is that because gypsum forms on the banks of salt lakes, it is rare to find gypsum deposits on private land. I used to live close to one, but they occur much more rarely on that land than they do in A class reserves. That creates difficulty for the farming industry to obtain access to mine gypsum on an A class reserve and, therefore, almost any gypsum that is available becomes extremely difficult to obtain because of the issue this motion raises. The normal procedure for excision for mining from an A class reserve is that process with which members are all familiar; that is, the enactment of a reserves Act amendment. Members know how long that takes and how difficult it is. The Minister for Mines, in initiating this process, has attempted to short circuit the process, but at the same time full parliamentary scrutiny has been allowed.

The reason we must locate the reserves that exist lies fundamentally with the huge quantities of the mineral that must be applied per hectare in order to have any effect at all. In the old parlance, a rate between 1 tonne an acre and 2 tonnes an acre was required, which equates to roughly 2.5 tonnes to 5 tonnes a hectare. They are very high rates of application. The cost of the mineral at the minesite is very low. I hesitate to quote a price because I am a little out of touch.

Hon Muriel Patterson: It is \$8 a tonne.

Hon KIM CHANCE: I think last time I took any notice it was about \$5 a tonne. It is generally listed at \$10 a tonne. The cost itself is not high, but because large tonnages are needed the difficulty is created by the transport component of the acquisition of the mineral, which could be three to four times higher than the cost of the mineral itself. To give an example, if a farmer were seeking to rehabilitate 1 000 hectares of land he would be looking at a cost of only \$8 000 to acquire the mineral. However, because the farmer would require as much as 5 000 tonnes of the material, at a cost of \$20 a tonne, that would be a prohibitive price as a result of the transport factor alone. The outcome is that it is very important to locate the source as near as possible to the area to which it will be applied.

Previously I described the process of gypsum mining as being unintrusive. The gypsum mining operations that I have observed at close quarters have indicated that it is not possible to mine below the level of the lake, because the salt water runs up and machines become bogged. Therefore it is difficult to go below the original ground surface. The deposits are generally shallow; from the top of the dune to the base of the mining, depending on the deposit, is not much more than 10 to 12 feet. The process is simple: Rubber tracked machines push off the topsoil, they go around large trees, and the excavations begin. Once the mineral has been taken out, the topsoil is pushed back, and the following year there is rapid regeneration of the native flora.

I support the motion, and I have made every attempt to convince my colleagues that we should support it, simply on the grounds of commonsense. I think we will see the benefits a little later. However, by any analysis the benefits so far outweigh the costs - so much so that it is laughable. My friend and colleague in the other place, the member for Maylands, in her role as opposition spokesperson on the environment, has already presented the Opposition's position on the motion from an environmental viewpoint, and, to some extent, from an agricultural viewpoint, during debate in that place. In making her contribution, Dr Edwards noted that the proposal had been assessed on two earlier occasions and had not been approved by the then Department of Fisheries and Wildlife.

The current process began in 1993 as a notice of intent to mine, issued to the Department of Minerals and Energy. The matter was referred to the Environmental Protection Authority and was subject to a consultative environmental review in late 1993 and early 1994. The EPA view was that the project should not proceed at that stage. However, in coming to the decision the EPA in its bulletin 737 noted the value of gypsum both to agriculture and to the environment; it recognised the extent of the salinity problem in the area caused by, among other things, the degree of runoff from the soil. A subsequent scientific study established that the flora in the subject area was not as rare as at first thought. I was surprised when I first saw the EPA view of the rarity of the flora, because the circumstances which exist in Lake Chinocup are similar to the environmental conditions which exist in a very large area of the great southern. I was surprised that that part of Lake Chinocup's bank contained genuinely rare flora. I was pleased when the subsequent scientific study established that the flora species in the subject area, although still quite scarce, was not so scarce as to be described as rare.

Hon J.A. Scott: Which report was that?

Hon KIM CHANCE: It was subsequent to the report carried out by the EPA. It is referred to in the second reading debate in the Assembly. I was aware of that report when it came out, and I read newspaper reports about it which indicated that the species which had been identified in the EPA report were in fact found, as I expected them to be, in a number of other lakeside locations, including lakeside locations well into the eastern wheatbelt and in the great southern.

In any case, the subject of the application is a 10 hectare area. The rate at which it will be mined is 2 ha a year over five years, with the maximum to be excavated set at 3 ha in one year. The rehabilitation requirement is on an annual basis. That is, once 2 ha have been excavated, before the next year begins it will be necessary to rehabilitate that site before the proponent can begin on the next 2 ha. No site will be left in a disturbed state for as long as one year. I am informed that it is necessary to have that fast turnover because of the rapid decay rate of the seeds of the species in the area; and it is necessary to respread the topsoil as quickly as possible.

Agriculture Western Australia's report on the issue entitled "Potential for Increasing Farm Production and Improved Land Management through the Use of Gypsum around Lake Chinocup" indicated the benefit which could be achieved from the availability of the deposit on farmland in the region. I thought that report was a touch conservative. However, it indicated that an area of some 72 000 ha in the immediate vicinity of Lake Chinocup would be responsive to the application of gypsum.

The decision this House must make is whether it is justified to mine a 10 ha area at a rate of 2 ha a year over five years, on the edge of a salt lake, to enable the rehabilitation of at least 72 000 ha of degraded farmland which, in turn, would lead to a reduction in runoff and downstream flooding, and salinity. That is an easy decision to make, particularly in light of the comprehensive conditions to which the mining must adhere, and the direct financial benefit from the provision for a 50¢ per tonne levy to be dedicated to Landcare works in the immediate vicinity. That represents approximately \$15 000 a year. In addition, the reserve can be increased as a result of two factors: The Shire of Kent has agreed to surrender 50 ha from the Chinocup town site reserve to the National Parks and Nature Conservation Authority. Mr B. Sutherland has offered 32 ha of his own uncleared private land as a gift to the Department of Conservation and Land Management for inclusion in the Lake Chinocup reserve. In each case the proponent has agreed to promote and facilitate those grants to improve the whole reserve.

While I was a farmer I used substantial quantities of gypsum on this and other soil types which seemed to be excluded from the report of Agriculture Western Australia to which I referred. That is why I felt the department's report was a touch conservative, but then I am not familiar with the soil types in the Shire of Kent. As I said to my colleagues who expressed an interest in this proposal, it is difficult to overestimate the value of gypsum in soils of that type. The most degraded soils we farmed were of that nature; that is, gimlet soils, once very fertile, heavy black clay which looked rather like a self-mulching clay - it is not that. It is a heavy volcanic soil which sets like concrete. By the 1970s, probably after 60 years of farming, it had transformed itself into valueless, water repellent, useless soil.

A single application of gypsum on that soil at the lower end of the scale - 2.5 tonnes a hectare - transformed it in the first year the gypsum was applied. It made it workable. The paddocks affected became watertight. Whatever rain fell on that land stayed in the soil and was usable. The amount of run-off that affected other farmers further downstream was dramatic. Given that part of the valley that we farmed contained a large amount of that type of soil, I was struck with the potential of that mineral if it were spread over the entire valley. It would probably have saved thousands of acre-feet of water from running off the valley.

Without being intimately familiar with the area around Lake Chinocup, I can imagine that in a significantly higher rainfall area than that in which I farmed, the effect would be every bit as dramatic, if not more so. I concede that whenever we consider an application to mine in an A class reserve we must exercise great caution. I commend the environmentalists in particular, who have caused us to take such a serious look at this. However, at the end of the day we are left with how we weigh the restoration of such a vast area of farmland and the future of the reserve, which was threatened by salinity, against the responsible mining of 2 ha of land a year for five years. I commend the motion.

HON J.A. SCOTT (South Metropolitan) [3.04 pm]: Usually I find that people from Doodlakine, particularly those born on 16 November, know what they are talking about. In this instance I am left wondering and strongly disagree with what was just said.

Hon Mark Nevill: To which person from Doodlakine are you referring?

Hon J.A. SCOTT: The process by which we arrived at this motion today could well be correctly described by the headline to which Hon Kim Chance referred in his speech as an "exercise in bastardry".

Hon Kim Chance: It was in *The Gnowangerup Star*.

Hon J.A. SCOTT: As members will be aware, I am very much in favour of land care, particularly with strong community involvement as is proposed in the plan for Lake Chinocup. However, the plan is based on many fallacies. We should begin by examining the principal outcome of this exercise; that is, to mine gypsum. Gypsum must be taken out of Lake Chinocup for land care to occur at a reasonable cost in that catchment. However, many gypsum deposits are in the area. I have received considerable communication from people with more information about those deposits, people who have been in the business of mining gypsum who know full well whether a deposit is worthwhile

and others in that area who have advised me about a number of deposits. On the road to Pingrup deposits are on private property and in the areas of Lake Biddy, Lake Burkett and Lake Buchan; the Brooks' property and Denis Neal's property. An advertisement of a property for sale in the Lake Grace-Newdegate area was sent to me which reads -

3 bedroom brick and tile homestead, 5 locations, large gypsum deposit . . .

These deposits dot the countryside in that area. It has been said by the proponent of gypsum mining at Lake Chinocup that those sites are not mineable. In fact, according to reports I have received, their feasibility has not been properly investigated.

Hon Mark Nevill: What are the salt levels of the other deposits?

Hon J.A. SCOTT: This motion seeks consent to mine on an A class reserve a substance which is right underneath endangered species of plants. Hon Kim Chance may not realise that there is more than one variety of endangered plants. Environmental Protection Authority Bulletin 737 refers to one of those as *Adenanthos pungens* ssp. *pungens*, which is known to exist only in the dunal land form at the southern end of lake Chinocup. A previously known population in the Stirling Ranges is believed to have been lost to dieback disease, to which the plant is reportedly highly susceptible. That hardly constitutes something which is widespread.

Hon N.F. Moore: What are you quoting from?

Hon J.A. SCOTT: I am referring to Environmental Protection Authority Bulletin 737 of April 1994 headed "Mining of gypsum from Chinocup A Class Nature Reserve, Pingrup". The document contains some revealing information. It reads -

Alternative sources of gypsum already exist for farmers in the Nyabing-Pingrup region. The nearest current alternative source is Lake Cobham (called Lake Magenta in the CER) which is about 100 km from Pingrup.

The proponent maintains that if the Lake Chinocup deposit is mined cost savings to farmers in the Nyabing-Pingrup area from the shorter transport distance would be up to 70 per cent, assuming the cost of gypsum were the same. It continues -

This figure is based on \$40/ha for a 20 km haul instead of \$68/ha for a 100 km haul distance . . . The cost of producing gypsum at Lake Chinocup would also need to include the cost of possible research on the propagation of the declared rare flora, detailed flora and fauna surveys and the extensive rehabilitation programme as part of the overall environmental management cost

The other thing to consider is that the proponent is not currently a gypsum miner. He has to provide a plan and the expertise to be able to do that. Where has the information come from that he will be able to provide gypsum at that cost? If he cannot, will farmers in that catchment area continue to pay a price to take the gypsum, from which 50¢ a tonne will be given to Landcare, if it is not cheaper? No, they will not. Further in this bulletin 737 it reads -

In its submission on the proposal, the NPNCA [National Parks and Conservation Agency] stated its concern that the cost effectiveness of developing a gypsum source in the Chinocup Nature Reserve (compared with using the existing source of gypsum) would be outweighed by the long-term damage and increased costs of managing the conservation estate. **The EPA concurs with this position and recommends that government agencies involved in defining the availability of gypsum in southwest Western Australia should co-ordinate their efforts to assist the farming community to rationalise the availability and use of gypsum.**

The question is not whether farmers should use gypsum on their properties but whether they should take it from an A class reserve; specifically, an area that has been set aside for flora and fauna. Hon Kim Chance said that one of the unfortunate facts of life is that most gypsum occurs in A class reserves. However, not all A class reserves are set aside for flora and fauna. It is specifically a most important area for the conservation of species and not for recreation, which might more appropriately be mined. The bulletin then goes on to refer to the usefulness of gypsum in the catchment. It reads -

The EPA sought advice from the Department of Agriculture about the regional effect on groundwater and lake levels of widespread gypsum use in the Nyabing-Pingrup region. The Department of Agriculture advised that gypsum use is unlikely to have a major effect on reducing groundwater recharge to the water table . . .

It goes on to say -

Ground water recharge occurs via two mechanisms: "trickle" drainage where unsaturated moisture contents in soil are unused by plants and "episodic" drainage events where saturated soil conditions lead to drainage to the water table. There is evidence to suggest that both drainage mechanisms occur, but that the major mechanism contributing the water table is saturated episodic drainage under prolonged wet conditions. The absence of deep-rooted perennial vegetation means that deep drainage is not used in the dry months. Based on this conjecture, gypsum additions to the surface soil will not have a major effect. Gypsum is likely, on responsive soils, to affect trickle recharge through increased crop production, and hence water use, in the wet months.

In fact it is pretty limited. The document goes on to say that the only way to really affect the hydrology is to undertake widespread planting of deep-rooted plants. That is said to be part of the proposal.

Hon B.K. Donaldson: The catchment plan is part of it.

Hon J.A. SCOTT: I have the catchment plan and the mining plan, both of which have a number of problems. The mining proposal suggests that endangered plants can be avoided by strip mining carefully. Hon Kim Chance talks about the simple process of driving around on rubber wheeled tractors and taking off the topsoil and putting it back a year later. He says that this leads to rapid regeneration. Is that the truth? No, it is not. Not the real report but the report pushed through this time did not go to the EPA experts so that they could decide; it went to the appeals convener. It did not go through the proper route at all. The EPA experts had on one occasion already knocked back the project. The report went the political route.

Hon B.K. Donaldson: Hundreds more of the endangered species were found.

Hon J.A. SCOTT: The EPA wrote about the likely success of rehabilitation as follows -

The proponent concluded that the impact of the mining proposal would be temporary because of a comprehensive rehabilitation programme . . .

It went on to say what the rehabilitation program should have. However, it continued -

With regard to the proponent's interpretation of the high growth rate for the dunal landform, which is based on an interpretation of vegetation mapping from aerial photographs taken 30 years apart, the EPA notes that there is evidence of increased vegetative growth over 30 years on some low dunes adjacent to the salt flats at the eastern end of the dune system. This area is recorded as patchily distributed *Melaleuca brevifolia* Scrub. . . . Whilst the vegetation cover has increased on these low dunes, no clear evidence of the rapid growth of dunal landform, particularly the high dunes proposed for mining, has been provided.

The Environmental Protection Authority concludes that the likely success of rehabilitation of the gypsum dunes and to ecosystem, in a timeframe whereby the disturbance could be regarded as temporary and in the absence of a much more intensive rehabilitation programme than that proposed, is very low.

There is very little chance that they will be able to reproduce it. It also says in other places that in the other rehabilitation areas quoted by the proponent, 40 per cent of the original plants came back and 60 per cent were lost. Considering that we are talking about an area where we have endangered species, about which we have all sorts of environmental agreements and laws in this State, to say that 60 per cent of endangered species may disappear is a very blasé attitude. The other comment is that it is only a small area. However, inherent in this plan is the ability to continue to expand after five years should the Minister give approval for another area to be taken out. Then it will be another and another, until eventually we will have problems, especially when we look further up the lake and see that already other mining leases are held in Lake Chinocup. We must remember that this is not an isolated incident. More claims are sitting and waiting. Experts do not believe that we can grow back the flora that has already been destroyed. They think that it is more cost effective in the long term not to mine for gypsum from there but for the Government to assist people to bring the gypsum from another deposit.

Hon B.K. Donaldson: Are you being serious?

Hon J.A. SCOTT: Yes.

Hon B.K. Donaldson: Have you been there?

Hon J.A. SCOTT: I have been there and all over the State. I am very serious. I do not think the Government is serious about the salinity program. It does not want to take any responsibility for this plan and have to outlay any government money on salinity in this State. It is trying to use another process. It annoys me that it is doing cheapskate land care that will not work. The Environmental Protection Authority's report states that the gypsum will

affect only a small part of the land and will not have a major hydrological effect. This is about improving crops for certain farmers. The proponent has not been heavily involved in land care in the past. According to the information that I have, he has not been part of the land care group and been involved in land care. The key person pushing this, Barbara Morrell, is into land care; however, the proponent is not.

Some of the benefits that have been described by the proponents have already occurred. I have taken time to speak to people involved in land care in that area and I took notes at the time. They said that the large landholders are not involved in community land care. They told me that there are 70 landholders in the area of which 50 are members of the group.

Hon B.K. Donaldson: That is not a bad average, is it - 50 out of 70?

Hon J.A. SCOTT: They also said that the cost benefit analysis document said that they will get a lot of land care advantages. People from the land care group said that work proposed to be done by the land care survey section is being done and is continuing through the land care group - it has been happening and will continue to happen anyway. Sure, more people may join it with this proposal. However, it is something that is happening anyway. It is not something new that has come out of the Minister's mind.

Hon B.K. Donaldson: Have you seen trials of gypsum applied and gypsum not applied alongside one another?

Hon J.A. SCOTT: I have seen all sorts of trials of all sorts of minerals in various places. However, in that area, the studies have shown that only a small percentage of the area is affected by the gypsum. Some is, but a lot is not. It is not, as is said in the document, a cure all. It will have a minor effect, although some effect is better than nothing.

There is no doubt that the conditions on the mining side of things are enforceable. However, I am concerned about some of those conditions. The idea of leaving strips of endangered plants with the rest of the area being cut down to just above the watertable and hoping that those endangered plants will survive on the strips is wrong. They will be destroyed. Once again, voodoo ecology is being used.

Let us get onto the land care component of this proposal. I refer members to letters that the Minister for the Environment sent to Mrs Barbara Morrell, who is the chairperson of the Lake Chinocup community gypsum committee. The old gypsum committee was made up of the people who wanted the gypsum. The local people in that group now form the community group to which the proponents are answerable. However, they wanted the gypsum in the first place. I will read quite a bit of the Minister's letter because it is eye opening in many ways. The third paragraph of the letter states -

It is not usual to make the conservation estate available for other purposes. This is especially the case in those areas of the State where only a small proportion of the original ecosystem remains in a reserve.

That is the problem in the Kent Shire - too much clearing. The letter continues -

Where the conservation estate is made available, then it is our practice to require its replacement with other land of equal or better conservation value.

That was ignored in the reserves Bill relating to the Cable Sands operation that this House agreed to. There was no concern about the conservation value of the land swap. The letter states further -

This value is not a monetary one or even necessarily one of area, but by way of estimation of its value for conservation.

As you are aware the EPA has recommended that the proposal be rejected in large measure due to the presence of rare and endangered species on the gypsum dunes. They have indicated to me that in view of the general threat to the Chinocup catchment by rising water and salinity, they would be prepared to consider reviewing their advice to me if they were satisfied that the community were to use the gypsum as part of an overall plan to rehabilitate and save the catchment. I also am prepared to take that point of view.

A further complication in this matter is that Lake Chinocup is an A-class reserve. . . . Our advice seems to indicate, at this stage, it will require inclusion in a reserve bill before the Parliament and this process is lengthy.

I wonder why we have not dealt with a reserves Bill with this proposal. It seems to me that this is being rushed through. I come from an agricultural area. I know that people do not top dress too far from when they will be using -

Hon B.K. Donaldson: By February. Do you know that?

Hon J.A. SCOTT: There is danger of it blowing away if the top dressing is done too early. The letter continues -

I obviously cannot impose a condition on the proponents that they design and carry out a catchment management plan. The carrying out of the catchment management plan will be in effect planting on other people's land, and is obviously not a possible condition.

That is a key to this land care situation. The Minister and the Government seem to be agreeing to a mining proposal based on the improvement of the catchment by a plan over which they have absolutely no control. They cannot say that this work must go ahead, because that is merely an arrangement between the proponents of the mining and the old gypsum committee.

Hon Reg Davies: Is there a new gypsum committee?

Hon J.A. SCOTT: There is a new name for the gypsum committee. It is called something else now. It has to appear to be made up of people different from those who were pushing for the gypsum.

Hon N.D. Griffiths: A different label.

Hon J.A. SCOTT: That is right. I wondered for a while why there was such a push to get this proposal through this Parliament. It has been going on for some time. When Mr Minson was the Environment Minister, he gave an answer on 2 November.

Hon B.K. Donaldson: It was going on long before that.

Hon J.A. SCOTT: I realise that. Also long before that people had been using gypsum from other sources. I understand one of the proponents ordered a large amount from one of the current suppliers, a Mr Green, from Newdegate.

Hon N.F. Moore: Any relation?

Hon J.A. SCOTT: No, he is not. He did not bother to pick that up after he had put it together. He decided to mine his own. In answering a question on 2 November 1994 Mr Minson gave some indication of the mind-set of this Government: He stated -

The farmland in that area is degrading and is not very profitable, and salt is beginning to encroach into the Lake Chinokup area, resulting in the degradation and loss of a nature reserve. A rationale is emerging that if gypsum is used in the catchment to that lake, it will increase the profitability of the farmland around it, which will increase the amount of money the farming population is able to pour into land care. That will lead to a reversal of the salinity and, therefore, the saving of the Lake Chinokup reserve.

It sounds simple; but it is not so simple. As I have pointed out, gypsum will affect only a very small part of that catchment and will have only a minor effect on changing the hydrology. The basis of the Government's current plan to save the catchment is to increase the profitability of the farms so they put more money into land care. That is not good enough. We need a better and more managed plan by the Government. If the market for grain or whatever farms produce in that area goes down, land care will go out the window. That is more likely to have an effect on farm incomes than will gypsum. All these other effects are completely bypassed by the Government. The Government supports a market economy, but it does not understand that very well.

In the letter to which I referred, the former Minister for the Environment said that for him to accept the plan it must be one that he can sell to the people of Western Australia. Initially he was not keen on changing the EPA's rejection of the project. It was only after considerable pressure from the National Party that his view was turned around.

Hon Murray Montgomery: What about the community?

Hon J.A. SCOTT: I will go through that.

Hon Murray Montgomery: What about the farming community?

Hon J.A. SCOTT: The *Great Southern Herald* of Wednesday, 28 February this year reported a meeting with Mr Foss as follows -

Two senior State Government ministers came head-to-head on Friday at Lake Chinokup Reserve as the subject of gypsum mining was raised once again.

In what appeared to be a statement under pressure, Environment Minister Peter Foss told a group of local farmers he would like to see an early resolution to the matter and would be prepared to give a five-year licence to the mining proponents, on certain conditions.

The article continues -

While Mr Foss was keen to avoid the media present, Mr Cowan was showing him the site and telling him the so-called rare flora was in abundance at the reserve and would not be threatened by the minimal area being sought for mining.

Hon B.K. Donaldson: He is absolutely correct.

Hon J.A. SCOTT: We all know about Hendy Cowan's great ability in flora and fauna research, and his understanding of the survival of those species and the wide research he has conducted on endangered plants!

Hon Murray Montgomery: It is about as good as yours.

Hon J.A. SCOTT: I find that extraordinary, especially when we go on to the next paragraph, which states -

He also extolled the virtues of gypsum which can dramatically increase crop production while at the same time help with water-logged land.

Mr Cowan was backed by Environment Protection Authority Chairman Ray Steedman . . .

What is the EPA chairman doing trying to convince the Minister to change his mind about a previous decision of the EPA?

Hon Murray Montgomery: Maybe he saw the benefit of it.

Hon B.K. Donaldson: He has been there two or three times and he saw the benefits.

Hon J.A. SCOTT: His job is not farming; it is environmental protection. One of his key activities is to preserve biodiversity. The Minister for Primary Industry should be looking after farming. The article continues -

The conditions Mr Foss placed on the proposed mining licence were that the proponents would need to supply a comprehensive mining plan before any work could go ahead, and that the community would agree to prepare and implement a five-year catchment management plan.

But Mr Foss's statement came after he had told the media contingent present that no announcement would be made that day, and so caused Mrs Morrell to write to the Minister seeking clarification in writing of what he had promised them.

"We are really happy about the announcement, but we are still wary," Mrs Morrell said. "We would like to see it in writing."

In a statement yesterday, Mr Foss said he was still considering the proposal.

He said he would support mining in the reserve if a satisfactory catchment management plan was developed.

"The risk of reducing the value of Lake Chinocup nature reserve through mining needs to be offset by gains in the catchment area".

. . . Any proposal to mine in a nature reserve then had to be approved by both houses of Parliament.

It is strange that nobody is worrying about the reserve process any more. There seems to have been a lot of research to get this through by this method, which I will look into.

Hon B.K. Donaldson: Make it quick.

Hon J.A. SCOTT: Yes. It can still be knocked over. The article continues -

There was only one opportunity each year to excise land from a conservation site and the proponents would have to wait for that.

But Mr Cowan said on Monday that he would hold Mr Foss to his promise of quickly approving mining at Chinocup.

"Mr Foss has agreed that he would seek to excise the land and undertake to give them the opportunity to mine for five years," Mr Cowan said.

The Environment Minister has been under intense pressure from the Leader of the National Party.

Hon Reg Davies: Do you think anybody could put Mr Foss under pressure?

Hon J.A. SCOTT: Yes, in this instance, and I will explain why. The article continues -

When asked why he as Deputy Premier came to Pingrup for the pipeline opening when he played no official part in the ceremony, Mr Cowan said he wanted to seize the opportunity of visiting Chinocup while Mr Foss was there too.

"Two years ago I stuck my neck out and said the land should be released for mining and nothing has been done," he said. "I was there to get some action on the matter."

Mr Cowan is keen to see this project go ahead. I wondered why Mr Cowan was investing so much heavy personal interest into that project. I have been told by people from the area that one of the proponents is Phil Patterson, the nephew of the President of the National Party, John Patterson.

Hon Murray Montgomery: Have you been to Lake Chinocup?

Hon J.A. SCOTT: I have been right through that area, although not recently. However, concerned people have been telephoning me about this plan. Although they have no concerns that land care will not continue, they say that it is not necessary to mine the gypsum from that reserve.

Hon B.K. Donaldson: Did that concern come from Eucla?

Hon J.A. SCOTT: That came from the catchment. These people are very concerned about what is going on. I understand that another person involved in this project, Barbara Morrell, is also a candidate for the National Party. It is quite a collection of National Party people.

Hon B.K. Donaldson: It has nothing to do with it.

Hon J.A. SCOTT: I see.

Hon Murray Montgomery: Are you saying they should not have a point of view on Lake Chinocup and politics as well?

Hon J.A. SCOTT: No, but I wonder why the procedure has been changed.

People have been told on a number of occasions that the proposal must go through the Parliament in the Reserves Bill. However, suddenly, because the election is soon to be held, we are told this matter must be dealt with because Hendy Cowan and Monty House have been working hard to make sure this goes through this year and have promised people that it will. The Government has no concern about the environmental implications at all. Hendy Cowan, with his great knowledge, has said this stuff is everywhere.

We are told that this project is absolutely necessary. Of course, the land care work is absolutely necessary, but it is not at all necessary to mine that deposit of gypsum bearing in mind the many other deposits in that area. In fact, the proponent identified 42 other deposits in that area. Keith Green, who has one of the deposits which has already been described, told me he could show people large deposits much closer than his to the area proposed to be mined. The Government is being a cheapskate because it could have a win-win situation, instead of mining gypsum under endangered flora. I note quizzical looks from members opposite, but anybody involved in land care must recognise that it is much cheaper to conserve existing bush than to plant more bush. Also, it is more likely to remain in that condition than are trees regenerated by land care methods in degraded areas.

This is an economic argument; it is not an environmental argument. The decision has been made on the basis of the short term economics of this situation. I have been told by people in that area that land care has been going on for some time but a few people are not involved in it - the Pattersons are in that group. Under this new plan land care will put gypsum on the soil and construct big drains. Already some ill-advised drainage has been allowed in the area because, even though some of it has been opposed by the Department of Conservation and Land Management and the Environmental Protection Authority, approval was given by the Minister. I understand that is happening on the area that will be part of the land swap, and the water has been drained downhill to the next block of land.

I am told the proposed area for the land swap was originally to be 120 hectares, then an argument was put for 10 ha, but now it is to be 32 ha. I am advised that area is already beginning to show signs of salt as a result of the failure to carry out land care on the large property upstream.

[Continued next page.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thirty-eighth and Thirty-ninth Reports, Tabling

Hon Barry House reported that he had been directed to present the thirty-eighth report of the Standing Committee on Government Agencies, on its inquiry into Golden Egg Farms, and its thirty-ninth report, on its inquiry into the University of Western Australia, and on his motion it was resolved -

That the reports do lie upon the Table and be printed.

[See papers No 858 and 859.]

MOTION

Mining Lease 70/835 on Chinocup A Class Nature Reserve, Consent

Resumed from an earlier stage of the sitting.

HON J.A. SCOTT (South Metropolitan) [4.34 pm]: Before questions were taken I was talking about considerable pressure being brought to bear by the National Party, as highlighted by the *Great Southern Herald* in its headline "Cowan pressures Foss to keep word on Chinocup", and the links of the National Party with the proponents of this mining scheme.

Hon Peter Foss: That is total nonsense. I wrote to that newspaper and pointed out how much in error it was.

Hon E.J. Charlton: If you're trying to make a case that the National Party supports it, you have it absolutely right.

Hon J.A. SCOTT: That is right; the National Party supports not only the scheme, but the proponents who are related to it.

Hon Barry House interjected.

Hon J.A. SCOTT: Yes, they do as well, but they are also incorrect.

The PRESIDENT: Order! The member should direct his comments to me and stop carrying on a conversation.

Hon J.A. SCOTT: This motion is for totally unneeded mining of an A class reserve when other supplies of gypsum are available. There is no guarantee that this gypsum will be cheaper than existing supplies. There are no guarantees that this operation will continue, because the proponents are not experienced miners. There is no guarantee that they will be able to replace the rare and endangered fauna on that site. Furthermore, the so-called management plan based on the land care of that area is non-enforceable. The Government has handed over responsibility to someone else. It has said that this is not its responsibility; that the proponents and the community can work it out between themselves and it will not provide any funding. The proponents will have a levy on the gypsum, and that will pay for the project.

The weakness of the management plan is summed up by the background that is given of this proposal, which states that the proponent will use all reasonable endeavours to promote and bring about the use of gypsum by owners of agricultural properties within the Lake Chinocup subcatchment area as a means of contributing to land care objectives that are likely to be beneficial to the subcatchment and the nature reserve in the subcatchment. It states also that the proponent will use all reasonable endeavours to ensure that the land care plan prepared by the Lake Chinocup catchment resource management committee and accepted by the Minister for the Environment is implemented by the community within the Lake Chinocup subcatchment area. It contains no power; it cannot be enforced. Furthermore, the process that has been brought to this Parliament is one to deliberately bypass the proper accountability procedures. Instead of going back to the Environmental Protection Authority and allowing the whole community to have an input -

Hon E.J. Charlton: They've been having an input for 50 years.

Hon J.A. SCOTT: But is this not a new plan?

Hon E.J. Charlton: No, it's an updated plan. It's got tougher and tougher all the time.

Hon J.A. SCOTT: In that case, the Government has used an illegal process. If it is the same plan, it cannot be done twice.

Hon E.J. Charlton: You don't know what you're talking about. You've never been there.

Hon J.A. SCOTT: The Minister is telling me that the Government has used an illegal process.

Hon E.J. Charlton: This is the Parliament.

Hon J.A. SCOTT: The wrong process has been used. If it is a different plan, it should have gone back through the EPA to be assessed. If it is the same plan, it should have been rejected by the Minister because it has already been through the process. This is nothing more than a "looking after the mates" scheme. It is not a land care program. If the Government were serious about a land care program, it would put a bit of money into the program to ensure that the gypsum came from existing supplies that are not under endangered flora. The catchment management could be done on a proper basis with real assistance from the Government, not the half baked system that it has put in place. I very much oppose this "mates' plan" that has been pushed by the National Party.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.38 pm]: If anyone gets around to reading Hon Jim Scott's comments, they will see the member for what he is on this issue; that is, he knows nothing about it and he does not care about land care. Long before the coalition came to government it was working on this plan to ensure that it could take place. It is a shame that it has taken so long to get this scheme up, because that region has missed out on a number of years of benefit. The people in that area are crying out for improvements to the quality of their land. By having this scheme available to them, that will be achieved.

Magnificent benefits will flow from the granting of the mining lease. Gypsum is already being applied in many areas of the wheatbelt. The application of gypsum to this particular soil type will be of great benefit. Much credit must be paid to Phil Patterson and his family. They have shown great persistence in their support for this process. Their desire has been to ensure the gypsum is applied; it has not been all about making money either for Phil Patterson or anyone else. He is committed to the mining and application of gypsum. Barbara Morrell, the president of the local shire, has also been very involved. She has shown a lot of tenacity in her efforts to ensure matters proceeded. She has received the support of many members in this place during that time. It is a credit to all those people, and to the Government, that they have achieved their aims. I congratulate them all.

HON MURIEL PATTERSON (South West) [4.41 pm]: I will speak for only a few minutes, because Hon Kim Chance has covered much of what I intended to say. I heartily agree with his comments.

Hon Kim Chance: You should not leave your speeches lying around!

Hon MURIEL PATTERSON: A bipartisan approach has been taken to this whole issue, which is of great concern to many people. Hon Jim Scott has drawn no credit to the genuine environment movement with his remarks this afternoon. What good is gypsum left lying in the middle of a 50 000 acre reserve, of which approximately 30 000 acres is salt lake and salt related land? It has done no good for the area, yet Hon Jim Scott does not want to touch it. This group is asking for only 4 acres per annum, from the 50 000 acres. Gypsum lying in waste land does no good for anyone. The only credible statement by Hon Jim Scott this afternoon was that many other gypsum deposits were available in this State. The group involved looked at more than 45 sites, and carried out investigations to discover whether any could become commercial.

Hon J.A. Scott: There are existing commercial sites.

Hon MURIEL PATTERSON: Chinocup proved to be the only viable area. Gypsum is important for farming, because it has a fertiliser based sulphur component which can make clay soil viable. Hon Kim Chance addressed that point in detail. Agriculture Western Australia recommends the application of 2 tonnes of gypsum per acre. Farmers cannot afford that quantity, and I think that the majority of farmers are applying 1 tonne of gypsum per acre. The closest viable gypsum deposit for the farmers in the past has been at Mt Magenta, which costs farmers about \$15 a tonne to transport. Adding that to other land improvement and the cost of production for farmers, it is obvious that not much profit is made. The Chinocup deposit could be carted by many farmers, and result in savings in production costs.

Another benefit of the application of gypsum to the soil is that it becomes a contributing factor to improving the quality of the land and its productivity rate. It may surprise Hon Jim Scott that farmers must make a profit. Unfortunately, they are not guaranteed a salary, as is the case with each member in this Chamber. We receive generous salaries and we are very grateful for that. I know many farmers who live below the poverty line, so if Hon Jim Scott thinks they make great profits, he is wrong. The application of gypsum to the soil in the area will help to resolve the salinity problem. Hon Jim Scott said that the Government is not concerned about salinity, and that indicated the extent of his interest outside his narrow world. It appears that unless the Government spends many millions of dollars each year, nothing is being achieved. Even with one of his interjections, Hon Jim Scott intimated that more money needed to be spent. He speaks as though his organisation is caring for the land. Farmers do not talk about it, they actually care for the land and they pay for it themselves.

In supporting this motion, I cannot imagine a more practical, cost efficient process, with the opportunity for land restoration. This is an excellent way to go. Very little can be done with the adjoining land in the area without the

use of gypsum. I know that the Minister went to great lengths to consider the environmental factors, from every angle. That is the reason that the decision was so long in coming. Eventually, the Minister was convinced that no detriment would be caused to the A class reserve. I congratulate the Minister for giving country people the opportunity to remain viable and to make a contribution to the nation's profitability.

HON B.K. DONALDSON (Agricultural) [4.46 pm]: I support this motion relating to the extraction of gypsum from Lake Chinocup. I use the word "extraction" rather than "mining" because I have had experience in this process. I am aware that you, Mr President, have lived in the area for some years and you know that the land is subject to waterlogging. It is very heavy salmon gum and gimlet country. On my farm we could not grow four bags to the acre until we applied gypsum at the rate of 2.5 tonnes to the hectare. Currently, we have a 2.5 tonne crop of wheat growing. We have applied gypsum to many patches which have been scalded and are subject to a heavy clay base. The retention of water above those areas as a result of heavy applications of gypsum has made a significant difference to some of our salmon gum and gimlet country.

Hon J.A. Scott: Where did the gypsum come from?

Hon B.K. DONALDSON: It came from McAndrews at Yelbini, because that was the closest source. We had a hell of a job carting it, but we were not working with the tonnes per hectare which will be used on farms in the Nyabing and Pingrup area.

No-one can say that the proper process has not been followed. A public meeting was held in 1992 prior to the last election. The then Leader of the Opposition, the current Premier, was at the meeting, and people indicated clearly what they expected in future. They asked him to assist them in achieving that goal.

Hon Kim Chance: That would have received some action!

Hon B.K. DONALDSON: He said that the due process must be followed.

Hon J.A. Scott: But it has not been followed.

Hon B.K. DONALDSON: It has been, and the member knows very well that it has been.

At the time, the Minister for the Environment was Hon Kevin Minson. So many people were going to Lake Chinocup, it became the most popular spot in Western Australia. I think even the Mauritz family from Hyden, which runs a very successful hotel/motel near Wave Rock, thought about establishing a motel at Lake Chinocup because it offered a great opportunity with the number of people who were visiting the site.

The subject of the motion is 20 hectares of salt lake, yet Hon Jim Scott worries about 10 ha in one corner of the area. The natural vegetation on the gazetted townsite will be included in the reserve, and that is worth protecting. That vegetation is under threat from damage by salinity further up the hill. Many people thought they could take a short cut, but ultimately they had to agree to a catchment management plan. The Government has responded to the needs of land care in more ways than just this Lake Chinocup project. This is a prime example of the Government's actions. If Hon Jim Scott thought his contribution was his campaign speech, mark 1, my friendly advice is that he has chosen the wrong subject. He did not know what he was talking about. I am surprised, because he spent many years in Kellerberrin and should know better. At least the Leader of the Opposition, Hon Kim Chance, supported the motion. He has been to Lake Chinocup and seen the situation and understands farming.

Hon Jim Scott should have supported this motion. The appropriate checks and balances are in place. For him to suggest we should not be concerned about the high cost of transport indicates that he believes farmers are flush with money. I have news for him; they are not. As the Minister for Transport alluded, the people who from as far as back as 1991 have shown resilience in seeking to achieve this result deserve credit.

I applaud the Government and this Parliament for agreeing to this motion so that the gypsum can be mined at Lake Chinocup and spread before the commencement of next season. In a couple of years, Hon Jim Scott should visit the area and then write a letter apologising to us for the misinformation he fed to this House.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.50 pm]: I thank the Opposition for its support. We appreciate it, particularly from Hon Kim Chance, who understands these things very well, in stark contrast to Hon Jim Scott, who talked about endangered species. After a speech like the one he made today he could almost be called an endangered species. He simply is unable to acknowledge that there are two sides to every argument. This proposition is a means of balancing out two issues: A problem with farming land and an environmental situation requiring a decision the result of which will improve both circumstances.

Hon J.A. Scott: They were not dependent on one another.

Hon N.F. MOORE: Hon Jim Scott is the odd man out on this occasion, which is not unusual in these matters. He referred to a number of alternative sites. My advice is that the alternative deposits of gypsum are not economical in the context of the land about which we are talking. They are not cost effective in the context of the amount of gypsum necessary. I am also advised that the farmers involved have tried on many occasions to find alternative supplies of gypsum. However, the gypsum at Lake Chinocup is considered to be the only viable deposit in the area.

Hon Jim Scott also talked about rare endangered species of I think *Adenanthos pungens* ssp. *pungens*. My advice is that it occurs in other areas and that quite a large number of the plants exist in other parts of the south west, the Stirling Ranges and in the Lake Chinocup area. I am advised also that these plants can be propagated and will be used to re-establish the area once mining has been completed.

Hon Jim Scott asked why we did not deal with this matter by way of a reserves Bill. This problem could be resolved in two ways: We could have a reserves Bill or this method of a resolution of both Houses to agree to mining in a class A reserve. This process was chosen; it is probably speedier. Surely it is a good idea in the light of the benefits this proposition will bring. The quicker the gypsum is spread on that land, the better for that land. I expected that Hon Jim Scott would be supportive of that proposition. The proposal will be put to both Houses of Parliament, as Governments or members are entitled to do, through the section of the Mining Act which allows Parliament to make judgments about these things. The Parliament is making a judgment in the same way it would with a reserves Bill.

Hon J.A. Scott: What about the fact that Agriculture WA says it will have very little effect?

Hon N.F. MOORE: I will raise the matter with Agriculture WA to find out whether Hon Jim Scott is making up the story. His speech will be examined closely by those involved. In the meantime this proposal is believed by all other members in this House to be a good idea. I therefore commend the motion to the House.

Question put and passed.

MOTION - DISALLOWANCE OF BUNBURY PORT AUTHORITY AMENDMENT REGULATIONS

Pursuant to Standing Order No 152(b), the following motion was moved pro forma by Hon B.K. Donaldson -

That the Bunbury Port Authority Amendment Regulations 1996 published in the *Gazette* on 26 July 1996 and tabled in the Legislative Council on 20 August 1996 under the *Bunbury Port Authority Act 1909*, be and are hereby, disallowed.

HON TOM HELM (Mining and Pastoral) [4.54 pm]: This disallowance motion has been moved to provide an opportunity to record in *Hansard* matters that have concerned the Standing Committee on Delegated Legislation for some time. The chairman of the committee, Hon Bruce Donaldson, has moved to disallow these regulations on the committee's instructions because it appears that some of the regulations are ultra vires the Act.

On at least three occasions regulations have come before this Parliament that the committee has determined contain monetary obligations of a taxation nature, rather than for administrative purposes, for which reason the regulations exist. I believe that Hon Bruce Donaldson will withdraw the motion, but I raise the matter to ensure that the House is aware of our concerns. The withdrawal of the motion will demonstrate the committee's commitment to be educative rather than punitive in its approach to matters.

Hon Bruce Donaldson will express the committee's view that it is becoming a little impatient over the number of times government departments, agencies and public servants have scant regard for the Constitution of our State. It is an important issue. On the one hand, the kindest way to describe this behaviour is to call it laziness. On the other hand, it could be described as sheer defiance. People should understand that once we start chipping away at the basis of our legislative system, irrespective of how that is done, we will be facing the thin end of the wedge. The Delegated Legislation Committee agreed that this regulation was a good idea. It deals with charges related to either depreciation or the cost of building a ship loader yet to be built in Bunbury. There is nothing wrong with that. It is a sound commercial decision on which the Bunbury Port Authority should be congratulated in normal circumstances. I am sure that nobody in this House would object to it. Nonetheless, attempts are being made to sneak through those charges by regulation; and in so doing the responsible agency is thumbing its nose at the Constitution.

If the House were prorogued, the disallowance motion would fall off the Notice Paper and no action would be taken. However, the standing orders have been changed in this place so that if this disallowance motion is not debated, the regulations will be disallowed. We intend that this motion be withdrawn so that we do not put an obstacle in the way of obtaining the revenue. That should not be taken as a sign that the committee does not have the fortitude to pursue this matter. It should be taken as a warning.

We hope that the next Delegated Legislation Committee will take a very serious view of regulations seeking revenue in this way. As we go down the track of further corporatisation and privatisation in this State where government

agencies will act at arm's length from the Executive we will be confronted by this situation more frequently. Perhaps we need to talk to the Executive or the Government about drafting revenue raising legislation to cover all those agencies and to which they will be able to refer when they introduce regulations of this nature. I do not know if we can do it in that. Rather than pick on every one as it comes through, we could have an acceptance of the Constitution of this State and people would abide by it. It will stop in some cases the lazy instructions or careless attitude. I am angry about this. I have been on the Joint Standing Committee on Delegated Legislation since it began. We are coming up against this more and more. The committee agreed without too much debate that we could not allow the House to prorogue and have those regulations disallowed, although our legal advice from two QCs suggests that we could and it would be perfectly legal and proper. We have said that we will not take that step.

People should be aware, and I hope the media will pick up this, that we can no longer tolerate these revenue raising matters being put into the *Government Gazette*. They are matters for the Parliament, the Ministers and the ministerial departments. We must recognise their contribution to the consolidated fund and the depth of the CRF funding. We must have a clear indication of where the money is coming from and to where it is going. In this case there may not be that indication. We do not make any comment on the commercial decision. We think it could be quite useful and it may be that the authority should be congratulated. There is a right way and a wrong way. This is not nit picking; we are saying that we will get more and more of these regulations and people must recognise it and do something about it.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.03 pm]: I listened intently this morning to the comments made by Hon Bruce Donaldson, as I have listened to the follow-up by Hon Tom Helm. They identify and outline the concern expressed about the method used to enable this funding arrangement to be put in place to purchase this equipment. Obviously the port authority and the users of the equipment came to an agreement. There is no issue at stake between the port authority and the users about putting this service arrangement in place. The question obviously is about the process which the port authority has used to enable the raising of the funds. I acknowledge absolutely the comments that have been made about the fact that the proper process must be adhered to. I have taken on board totally the points raised in the comments this morning by Hon Bruce Donaldson when he asked that we consider the issues raised by the committee in this report and also after further consultation with the committee in the next Parliament, introduce any necessary remedial action to resolve the problem. We will do that, and I give that undertaking to the Parliament. The process to remedy that situation has been put in place and has already started.

As to what Hon Tom Helm said, the question with regard to the Bunbury Port Authority and others is not about privatisation or corporatisation. The Bunbury Port Authority has embarked on a commercial operation through a five year commercial plan that has been put to government. It adheres to a one year plan from a budgetary and management point of view. That has given extra flexibility and additional responsibility to the board and management. The authority is now operating a very focused commercial operation. Its charges have come down since we have been in government, as have the charges of all the other ports. The decision on the funding arrangements will be addressed. I give a commitment to the Parliament and to the committee on delegated legislation that we will happily work with them to overcome this problem and remedy it to their satisfaction.

HON B.K. DONALDSON (Agricultural) [5.06 pm]: I am sure the committee appreciates the cooperation of the Minister and his willingness to accede to the request, give that undertaking to the Parliament and put it on the record. From the point of view of the committee, as Hon Tom Helm has said, we are in broad agreement with the rationale behind the regulations and the reasons for increased productivity. Under the arrangement, the users of that loading facility at Bunbury were prepared to pay the higher service fee, but we have to ensure that it is technically correct.

The committee realised that this is a complex issue. We do not have the time at the moment to be satisfied and to be able to report effectively to the Parliament. In our best interests the Government of the day must ensure that, as we move to corporatisation and commercial undertaking by trading enterprises, we have the correct legislative measures in place. It is a very important part of it. We also had some difficulty because of the time constraints on the Parliament at the moment. We felt we needed to be given the opportunity to work with the Minister and port authority to overcome the difficulties that might arise in the future.

The committee has left a strong recommendation to the committee that will be established at the commencement of the next Parliament that it take on board the report and work on the undertakings given in this House this afternoon. I also caution other port authorities and trading enterprises which may use this pathway that they must understand that the next Parliament has another opportunity to deal with regulations when similar operations take place, because the parliamentary process starts again. I would hate any other trading enterprises to feel that there was *carte blanche* to move this delegated legislation to achieve the end result.

Many other questions remain to be asked about the role of the consolidated fund and whether there should be appropriations. It is an interesting area. I feel that the committee of the next Parliament will get some joy out of getting this right.

Order Discharged

Hon BRUCE DONALDSON: On the understanding of what the committee proposed in its twentieth report, I move -

That Order of the Day No 1 be discharged from the Notice Paper.

Question put and passed.

BANK OF SOUTH AUSTRALIA (MERGER WITH ADVANCE BANK) BILL*Second Reading*

Resumed from 6 November.

HON MARK NEVILL (Mining and Pastoral) [5.09 pm]: The Opposition supports this Bill. As the long title says, this Bill basically applies a South Australian Act providing for the merger of the Bank of South Australia Limited and Advance Bank Australia Limited as a law of Western Australia. Advance Bank acquired the Bank of South Australia as a wholly owned subsidiary some 15 months ago on 1 August 1995. The merger of the Bank of South Australia and Advance Bank was approved by the Reserve Bank on the condition that the Bank of South Australia would render its banking authority - I assume a banking licence - within three years from the date of acquisition. We are not quite halfway through that period. For that to occur, the majority of assets and liabilities will have to be transferred to Advance Bank. Some assets which will not be transferred are listed in the schedule to the Bill. The process of transferring all these assets and liability is time consuming and expensive and each one has to be done individually as is the normal process. Considering there are 4 000 customers in Western Australia, that is a giant task. This Bill facilitates that task. It also protects the State's stamp duty and other charges that it would normally charge by allowing a figure to be calculated. That figure is not in the Bill. Can the Minister give us an indication of how much the Government stands to make out of this exercise?

Hon Max Evans: I thought I knew it.

Hon MARK NEVILL: It will facilitate that merger and allows one payment to occur instead of the large number of expensive transfers of assets and liabilities. With those comments, the Opposition supports what is a sensible measure.

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.12 pm]: I thank the Opposition for its support of this legislation. The history of banking in the years I have been in this place is interesting. There has been one merger after another. In fact, another merger is going on in the Eastern States at the moment.

This legislation is simple. It enables the bank to put through all the transfers in one lot. It has transpired in the last few days that legislation must be passed around Australia before the bank can put through the transactions in the balance sheets of the two banks which involves transferring the assets from one bank to the other. Otherwise, 10 per cent, for instance, could be left in the balance sheet of the old bank, the Bank of South Australia, which has a limited time in which it must dispose of all its assets. It is therefore essential for this Bill to be passed. I appreciate the predicament with this legislation created by legislation that has previously been passed. Hon Norman Moore will move the appropriate motion once this legislation has been passed. I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

Message

On motion, without notice, by Hon N.F. Moore (Leader of the House) resolved -

That a message be sent to the Legislative Assembly in the following terms -

Mr Speaker:

The Legislative Council acquaints the Legislative Assembly that it has this day passed the *Bank of South Australia (Merger with Advance Bank) Bill 1966*, but in so doing -

informs the Legislative Assembly that the Bill breaches section 46(7) of the *Constitution Acts Amendment Act 1899* to the extent that clause 4(2)(g) imposes a tax; and

records that the passage of this Bill in no way affects the undoubted ability of this House to insist on the observance and enforcement of its rights and privileges under section 46.

MOTION - STANDING COMMITTEE ON PUBLIC ADMINISTRATION ESTABLISHMENT

Resumed from 22 August.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.16 pm]: This order of the day has been sitting on the Notice Paper for some time and I am pleased to deal with it before the end of the session. Having been an inaugural member of the Standing Committee on Government Agencies, and its chairman for a couple of years, I have taken a strong interest in the matters raised in this motion. It comes out of a report that resulted from a view I had that we should look carefully at the way in which government agencies are established and scrutinised to make sure that we have better uniformity in the way legislation is established to set up government agencies. The thirty-fourth report was a significant report. I hope that one day Governments will find the time to look at it seriously and give serious thought to the state agencies Bill that is recommended in the report.

As time moves on, things also have to move on. The Government Agencies Committee has decided that it should change the way in which it carries out its affairs. It wants to change its name, which is not surprising if it will be doing something slightly different. The essence of the change is to change the focus of the committee away from looking at government agencies as opposed to departments and to concern itself with the question of public administration. The Government is happy to go along with this proposition with one or two amendments which I have circulated. I will indicate what they represent so that the House will understand how we support generally what is being considered here but about which we have some small problems.

In regard to the functions of the new committee, the recommendation from the committee contained in the motion refers to Bills which create, alter or abolish an agency being automatically referred to the committee for consideration and report to the House. While I have some sympathy for that proposition, it could slow the system down to a point where on the odd occasion the process would not work quickly enough. I have circulated an amendment which would prevent that from happening automatically. In other words, Bills will not be referred automatically to the committee but will be referred by the House on the House's motion. That will mean that the House will be able to move that Bills be sent to the committee when agencies are involved and it will be able to make the decision on each one on an individual basis. That will be a far more efficient and effective process. It might mean, ultimately, that the House will want every Bill to go the committee, and it will move accordingly. I cannot imagine that will happen, because the committee will find that it cannot cope with all the business it is likely to get.

I am also of the view that the functions of the committee are too broad. I was a little concerned that the result would be a significant degree of overlap with the functions of various standing committees of this House. I have inserted a new paragraph 3(3) which states that except where provided in Standing Order 367(c) the committee shall not be involved in consideration of matters which fall within the purview of or are a function of another committee. Essentially that indicates that we acknowledge a number of committees in this House will be carrying out various inquiries, and it will be silly for the committees to conduct inquiries on the same agencies and overlap and duplicate their activities. Under this proposed addition to the standing order, before the committee begins an investigation it must look at what other committees are inquiring into. If they are looking at the same issue, the committee will not be able to involve itself in that inquiry.

A simple amendment to change paragraph 4(d) will bring that up to date with the new local government legislation which was passed subsequent to this motion appearing in the House. I will also include a number of consequential amendments in this motion. They will repeal the standing orders that relate to the Standing Committee on Government Agencies. Schedule 1 will be repealed, because that is the list of agencies that come under the jurisdiction of the Government Agencies Committee. That will no longer apply, because the definition of agency will cover the jurisdiction of the committee. Again we want to change Standing Order 338 to add the words "Public Administration".

Finally, it is proposed to reduce the membership of the committee from six to five. I have long held that view, and not been in the position to do anything about it. There have been ludicrous situations in the past where the quorum was three and if one-half of the parties did not turn up the committee could not meet. On a couple of occasions, because people came and went, we could not elect a chairman. Five is a better number. Bearing in mind the informal negotiations that have been taking place between members about the future of committees in this House, what will ultimately come out of that is a recommendation on the sharing of chairmanship of committees. However, it is proposed that all committees will comprise five members, other than the Delegated Legislation Committee which is a joint house committee. The number of members should be reduced to five, and I see that being carried forward in the context of the general reform of committees that will come out of the informal deliberations on committees.

I am happy to support the general thrust of the recommendations on the Standing Committee on Government Agencies. The formation of a public administration standing committee of the Legislative Council will go a long way towards ensuring that public administration is well and truly scrutinised in Western Australia. However, I would also

be particularly interested in suggesting to the committee that in the future it spend a lot of time investigating what might be done to make public administration more effective, rather than seeing the committee as an organisation that looks at particular things that have already happened and seeing itself as a court of law for what has happened in the past. A lot more time needs to be spent on what might be done to improve public administration per se in Western Australia. The thirty-fourth report of the committee ascertained whether these matters could be done better in Western Australia. What has come out of that are some recommendations which will achieve that.

I support this committee in the context of the view that it should be prospective in what it does, and should conduct significant research into the way in which public administration can be done more efficiently and effectively to provide accountability in Western Australia in the future. I look forward to the appointment of the new committee. I suspect it will not be appointed until after the next election, although that will be subject to clarification. Maybe it can commence now, although I am not sure that the committee will want to do that.

Hon George Cash: Now.

Hon N.F. MOORE: It is intended to commence now.

Hon George Cash: And work through the Christmas period until April anyway!

Hon J.A. Cowdell: Under the chairmanship of Hon George Cash.

Hon N.F. MOORE: I am happy to accept the views of members by interjection that the committee will commence its work immediately and carry on over the Christmas period and well into the new year.. It will stop for a few moments for the election in March or April, and once the House comes back after 22 May it will be reappointed under the new arrangements and will carry on with what it has been doing.

Hon Kim Chance: That is when we will deliver the Cash report.

Hon N.F. MOORE: I am delighted to have played some small part in the history of this committee, and I commend the new propositions to the House. In doing so I must say that the Government is enthusiastic about the amendments, although our enthusiasm for the overall motion would be somewhat diminished if the amendments were not agreed to.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): The Leader of the House can move the amendments standing in his name and each will be put separately, and then we can deal with the motion, if amended, as amended; or, if not amended, as printed.

Amendments to Motion

Hon N.F. MOORE: I move -

Article 2 - To delete the "6" and substitute "5".

HON KIM CHANCE (Agricultural - Leader of the Opposition) [5.28 pm]: This is the only amendment that the Opposition will oppose. We are quite happy to support the others. We do not think this is either a proper or a necessary action. It is certainly not something on which we intend going to the wall for the clear reason that both sides of the House are currently, in an informal way, undertaking an examination of options which may be available to members of the House to consider at a later date on changes to the operation of the Parliament. Although that is not strictly a matter of concern to the House, until that does occur I wanted to foreshadow that among those proposed altered conventions is an item on the number of members of committees. Whatever decision we make here may be the subject of review as a result of the discussions between the parties on the recommendations of the informal committee. Although I do not oppose the amendment strongly, I want to say one or two things in favour of retaining the number at six and not supporting the proposed number of five as outlined in the amendment.

Obviously, I cannot speak for the way in which the Standing Committee on Public Administration will move, but I can only assume that it will operate in a manner similar to that adopted by the current Standing Committee on Government Agencies. With a 3:3 membership it is entirely balanced and bilateral. The Leader of the House, with his long experience on the government agencies committee, was able to point to a couple of difficulties that occurred as a result of the even bilateral membership on that committee. One of those difficulties has continued during my time on the committee; that is, the inability on two occasions to resolve who would be chairman of the committee. No doubt that difficulty arose on other occasions before my time. In my experience it did not create much of a problem for the committee on those two occasions because the committee simply resolved that it could not resolve who should be in the chair. The matter was left to be decided by the House. That is a proper thing to do.

Hon N.F. Moore: If you do not have a quorum, you do not have a committee to pass the matter to the House.

Hon KIM CHANCE: The Leader of the House also raised the matter that the committee was inquorate on occasions, and the House was left to imagine that it was a result of deliberate actions by one party or the other. Obviously, if it occurred, it is regrettable and should be avoided. I have been a member of that committee for almost four years, and during that time the committee has never experienced that difficulty. At times, for one reason or another, the committee has been inquorate but on each occasion it occurred because of the genuine unavailability of a member. Certainly there has been no suggestion that it was a deliberate action or done by contrivance. I recognise the experience of the Leader of the House, and I acknowledge that it is possible for that to occur again while there is an equal bilateral committee. However, on the basis of my experience with the committee, in most circumstances I think it is unlikely.

I am unwilling to support the amendment to change the number of members from six to five. If the Government is determined that there shall be an unequal number of members, I would much prefer that there be seven members rather than six, simply because the scope of this committee will be expanded. It is a shame we are discussing the amendments and not the motion, because one of the major functions of this change is that, rather than the committee being limited in its scope to investigations of and recommendations on the future for government agencies, its charter will be much expanded to cover the whole of government departments as well as government agencies. I am sure we shall be able to achieve that because there is bilateral support for the motion, and in doing so we shall create one of the most powerful committees in any Parliament in the western world.

Hon N.F. Moore: I will change my mind if you keep on in that way.

Hon KIM CHANCE: Unfortunately, the way in which we are dealing with this matter has created some difficulty.

Hon B.K. Donaldson: What will be the difference between five and six?

Hon KIM CHANCE: The recommendation is to move from a membership of six to a membership of five, which will break the equal bilateral arrangements which have worked very well for the committee. If the Government wants an odd number, it should recognise the increased workload the committee will incur as a result of the change in the nature of that committee, and increase the membership to seven.

Hon B.K. Donaldson: A smaller group is always easier to work with.

Hon KIM CHANCE: The government agencies committee already works on the basis of subcommittees. Hon Murray Criddle and I have worked very effectively on a subcommittee in order to progress work on two other inquiries while the inquiry into the University of Western Australia was continuing. Hon Barbara Scott and I had earlier worked on a similar matter which involved the dissection of a large amount of information and the predigestion of it for the committee. Without the function of those subcommittees, the committee would not have been able to progress one inquiry while another was continuing.

I have said previously I will not go to the wall on this, and I do not intend to, because I think there will be an opportunity to make that change at a later date. I oppose the motion as it stands.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): I make it clear to honourable members that we are debating a motion to establish a Standing Committee on Public Administration, to which the Leader of the House has foreshadowed three or four amendments. We are now considering the amendment to article 2 to delete "6" and insert "5". Given the nature of this debate and the amendments, it is appropriate for members to refer to the substantive motion as well as the amendment before the House.

HON TOM STEPHENS (Mining and Pastoral) [5.38 pm]: I propose to refer to the amendment and not the substantive motion. Hon Norman Moore, more than most members in this House, will understand the history of the government agencies committee and its operations, although he has been absent from that committee on other matters for four years.

Hon N.F. Moore: Three and a half years.

Hon TOM STEPHENS: It seems longer than that at times. Only one difficulty has arisen with the equal membership; that is, the election of the chairman. Members will recall that the election of the chairman to this committee has been before the House for consideration from time to time, particularly when the Liberal-National Party coalition did not pick up the chairmanship. With that one exception, the equal membership of the committee has provided an opportunity for a different approach to committee work than that which applies with most other committees of this Parliament. It has guaranteed that the committee stayed away from politically partisan, highly contentious issues.

Hon N.F. Moore: The Chair has a casting and deliberative vote, so it can be used in that way.

Hon TOM STEPHENS: Even when members on this side had the Chair, that did not happen.

Hon N.F. Moore: We always did nice things when we were in the Chair.

Hon TOM STEPHENS: When I was chairman the committee did only nice things. I know Hon Norman Moore did not like my being in the Chair, but I did not break the convention. The committee operated outside the hurly-burly of politics and adopted a consensus approach to the issues before it. It avoided taking on issues that would have been decided straight down the political divide. As an equal membership committee it moved into areas in which there was an opportunity for members of the committee to adopt a bipartisan approach and to support the propositions when they came before the House.

It is a pity that the Government proposes to change the membership of the committee, not just for the reasons outlined by the Leader of the Opposition but also because, apart from the contentious nature of the membership, this committee has operated without dealing with the straight politics of any matter. All who have been members of this committee know the truth of my comments: We have consistently avoided creating the necessity for dissent or minority reports and, in that context, the Parliament and the people of Western Australia have been well served by the way the committee has operated as a result of its composition.

In addition, I reinforce a point made by Hon Kim Chance: I am very embarrassed by the Government Agencies Committee's thirty-ninth report tabled today. It indicates how important it is to maintain six members on the committee and not to shutdown the opportunity for the committee to meet on Thursday mornings. Regrettably, such opportunities were denied on a few occasions this year. The committee should be able to operate, through subcommittees of the current composition, and deal with a major inquiry more quickly than occurred with the Rindos matter. Other members of the committee are as frustrated as I am that we have not released a final report on this contentious issue. That lack of a final report results from not only the complexity of the issue, but also the loss of committee time as a result of the decision of the Leader of the House regarding sittings -

Hon N.F. Moore: Since when?

Hon TOM STEPHENS: We have lost a number of Thursdays.

Hon N.F. Moore: Only last week.

Hon TOM STEPHENS: We lost time prior to that.

Hon N.F. Moore: In the context of the formal negotiations, some attempt is being made to resolve that matter.

Hon TOM STEPHENS: We should not make the situation worse by embarking on the course the Leader of the House is flagging. I am comforted by the point just raised by the Leader of the House. I know exactly what is in the mind of members opposite.

Hon N.F. Moore: If the decision is that the Government has the majority, members opposite when in government will have the majority.

Hon TOM STEPHENS: So, the Government gets a majority and the Opposition gets the chairmanship?

Hon Kim Chance: That is another matter.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! The Leader of the Opposition is correct; it is another matter.

Hon TOM STEPHENS: What is the point of offering the chairmanship of the committee when the function and nature of the committee will be stripped back? It will have government control with a majority of three government members and the Opposition will have two members and the chairmanship.

Hon N.F. Moore: That is yet to be sorted out.

Hon TOM STEPHENS: We have the opportunity to revisit these questions in other places. I oppose the amendment the Leader of the House has moved on the question of committee membership numbers. When Parliament is reconstituted immediately after the election, and we are in government, it will be well and good if the Opposition has the chairmanship of the Government Agencies Committee. However, it would be a pity to reduce the number of committee members, as the Leader of the House proposes, as that would not be in the best interests of the committee or the functioning of this new process.

HON BARRY HOUSE (South West) [5.43 pm]: The success of the Government Agencies Committee as a bipartisan committee is largely due to the fact that it has had six members.

Hon Tom Stephens: And such congenial members!

Hon BARRY HOUSE: Yes, it does have such members.

Hon N.F. Moore: You have a very short memory, Mr Stephens.

Hon BARRY HOUSE: The committee has been very constructive, and that is why the original motion retained the membership at six. However, I am sure all members are aware of discussions behind the scenes as an informal committee has been established to discuss the procedures of this Chamber. I am sure discussions have ensued in party forums - if not, members should ask why not - about the way this Chamber will operate in the next Parliament. I am prepared to accept this amendment, which was framed in the light of those discussions. One of the items discussed was the composition and chairmanship of committees into the next Parliament.

Hon Kim Chance: Is that not more reason to leave this unaltered so we can do it all at once? You may decide to have five members.

Hon BARRY HOUSE: That raises a couple of issues. The number of committees envisaged for this Chamber could result in insufficient members being available to service the committees, which is an important consideration. Also, the Government has placed conditions on its support for the Government Agencies Committee to change its emphasis to a committee on public administration. This is a small condition to agree to in order to establish that changed focus.

I do not accept Hon Tom Stephens' reason for my tabling of the committee's thirty-ninth report only a short time ago. It is not the final report because we did not have enough resources; it did not matter whether there were five members or six, as the problem was the sheer volume of work involved.

Hon Tom Stephens: I referred to the loss of Thursdays.

Hon N.F. Moore: Perhaps you could meet on a Monday or a Friday.

Hon Tom Stephens: I have shadow Cabinet on Monday.

Hon N.F. Moore: Get your priorities right.

Hon BARRY HOUSE: I hope we will come to some agreement in those discussions leading to a determination of committee structure and composition in the next Parliament. I am sure that members are aware that the chairmanship of this committee will probably be offered to the Opposition.

Hon Tom Stephens: To whom are you offering the committee numbers; who will get three and who will get two?

Hon BARRY HOUSE: That is another item for negotiation. The numbers is a matter for the House.

Hon N.F. Moore: That was always the case in the past.

Hon BARRY HOUSE: The chairmanship of the committee could belong to an opposition member - that is appropriate.

Hon N.D. Griffiths: It could be you!

Hon BARRY HOUSE: I doubt whether that will be the case.

Hon N.F. Moore: Have you not read the latest polls?

Hon BARRY HOUSE: The amendment moved by the Leader of the House is reasonable in the circumstances and should be supported.

Amendment put and passed.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.45 pm]: I move-

Article 3(2) -

- (a) To delete the words "notwithstanding any rule or order to the contrary".
- (b) To delete after the word "report" the words "to the House".
- (c) To insert on the same line after the word "Bill" the words "referred to it by the House".

Amendment put and passed.

Hon N.F. MOORE: I move -

Article 3 - To insert after section 3(2) the following new paragraph -

- (3) Except as provided in SO 367(c), the committee shall not proceed to an inquiry whose sole or principal object would involve consideration of matters that fall within the purview, or are a function, of another committee.

HON B.M. SCOTT (South Metropolitan) [5.47 pm]: I speak briefly to article 3 and support the amendment. I support the comments of the Leader of the House regarding the essential thrust of the change for this committee. I support also the view that this committee should be proactive rather than reactive as it represents a great opportunity for this Parliament to look at state administration, to carry out research and to look at efficiencies of administration. Part of that efficiency is in article 3, where it clearly spells out that this committee should not proceed with an inquiry if it is perceived to be the function of another committee.

In respect of petitions presented to the Parliament, as a member of two standing committees, it became very clear to me that often members of the community who feel very aggrieved will, as a last resort, ask a member of Parliament to present a petition to the Parliament. In one of the major inquiries the committee conducted, this was indeed the case. The issue came through the Standing Committee on Constitutional Affairs and Statutes Revision, which looks at petitions.

I agree with article 3 because it not only supports this committee of government administration, but also assists in evening out the workload of the statutes revision committee by avoiding duplication. The committee decided that the petition - it related to the aggrieved drivers of Golden Egg Farms - was to do with the role of a government agency and should go to the Standing Committee on Government Agencies. This proposal is a very sensible change. It avoids duplication and, as the Leader of the House has pointed out, the change in the name of this committee will enable it to have a more proactive role and to conduct research into the better running, efficiency and administration of government agencies in this State. I support the motion.

HON BARRY HOUSE (South West) [5.52 pm]: I also support the motion and, in doing so, I will make two brief points. The first relates to the futility of duplication within Legislative Council committees. This amendment covers the possibility of two committees duplicating work within the same area. The second point is that I am delighted to see that the Leader of the House has used the word "purview" in the amendment. As members will recall, that was a favourite word of the late Hon Bob Pike.

Hon Tom Stephens: No, it was "bollocks".

Hon Kim Chance: "Bovril", "Bovril"!

Hon BARRY HOUSE: Hon Bob Pike was the architect of the committee system that set up this committee in 1982. Therefore, it is very appropriate that the word "purview" is contained in the terms of reference of the committee.

Amendment put and passed.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.53 pm]: I move -

Article 4 - To delete the words in paragraph (g) "authority" and "subject to" and insert respectively after each, the words "government" and "within the meaning of".

Amendment put and passed.

Hon N.F. MOORE: I move -

To delete part 2 of the motion and substitute -

2. The following consequential amendments are made -
 - (a) Standing orders 310-337 are repealed;
 - (b) Schedule 1 is repealed;
 - (c) Standing order 338 is amended by adding after "Legislation," the words "Public Administration"; and
 - (d) Delete the line in SO 303 "Government Agencies 6" and substitute "Public Administration 5".

This wording brings the terms of reference up to date and makes this part more relevant to the committee.

Amendment put and passed.

Motion, as Amended

HON KIM CHANCE (Agricultural - Leader of the Opposition) [5.56 pm]: Having spoken at some length on the first amendment, I do not intend to cover the same ground again. I regret that we have made this decision. I really do believe in the principle of bilateral committees. The Standing Committee on Government Agencies, as it has been structured over the past four years, has been an example of the great strength of bilateral committees. The achievements of that committee are an example, but not the only one, of how a well-chaired committee, structured in the way in which it has been, can do its work of the Parliament very well. The Government Agencies Committee, as it has been structured, has shown that it is possible to address issues in a vigorous, but even-handed and very effective, way.

I will touch on one matter raised by the Leader of the House, and Hon Barbara Scott to some extent. They called for the function of the committee to be prospective, rather than retrospective. I want to defend the role of the committee when it wants to look at issues in a retrospective manner. I do not disagree with either the Leader of the House or Hon Barbara Scott that it is a fundamentally important role - in fact, it is the principle role - of a committee of this nature, particularly as it is proposed to be structured, to be prospective. We should look at guiding public administration in the future in ways that can deliver better outcomes. I am quite happy to accept that we should be doing that; I just have the feeling that it is impossible to be prospective in practice if, at the same time, that cannot be balanced with the experience of retrospectivity.

I will use just one example of what the committee is doing now. In looking at the matter of contracts entered into by agencies of the Government, the committee has chosen to examine two quite separate disputed areas in which contracting has taken place. This issue is new ground for Governments generally in Australia. The evidence the committee has put together of what it saw of this matter overseas has not satisfied me that there is in place in other Parliaments and other systems of public administration, effective ways of balancing the question of contracting out what we regard as public services.

The way it is being done now has drawn criticism from the Auditor General on a number of occasions, and from the Ombudsman and various other sources. This is not an ideological criticism of contracting; I am simply saying that I do not believe we yet have the systems that can give effective guarantees to all the parties involved in the contracting of public services. I am not satisfied contract law is all that effective within the private sector. I have certainly seen and heard of some very unfair outcomes. We cannot do anything about that; but in a very real sense we can make sure that when our agencies or departments of the Parliament and the Government enter into the contracting field, it is done in a way that guarantees fair, reasonable and efficient outcomes.

I raise that issue now because in the two matters at which it has looked - one of them is the subject of one of the reports tabled today - the committee has learnt a great deal about the nature of the contracts and the way in which there is an interaction between, in this case, a statutory marketing authority and a private contractor, and ultimately what we have learnt can be expressed in some form of recommendation, not in this report but further down the track.

Sitting suspended from 6.00 to 7.30 pm

Hon KIM CHANCE: While I agree that the committee should be prospective with regard to its examinations and in making recommendations about improving the future operation of government departments -

[Quorum formed.]

Hon KIM CHANCE: In order for the committee to make adequate recommendations about how departmental structures should be aligned in order to deliver better service, it must understand exactly what is wrong with a department, and to establish that, the committee must have the capacity to look at matters retrospectively and to understand the problems thoroughly. We should understand very clearly that the committee will not be able to understand what problems occur in government departments and what deficiencies exist in current administrative arrangements if it does not have personal experience of where those difficulties lie, and to play a part in identifying those deficiencies is a very good way for it to learn. The Standing Committee on Government Agencies has learnt a great deal from its investigations into the statutory marketing organisations that I mentioned earlier and the University of Western Australia. Committees gain a great deal from those sorts of investigations, and they can gain a lot more, but we now have a much fuller understanding of where we are going. That is essential, because this is essentially a groundbreaking operation. Not a great deal of work has been done in this regard. Some very clear deficiencies have been identified by people such as the Auditor General, and the Parliament also has pointed to deficiencies in those areas.

Hon Peter Foss interjected.

Hon KIM CHANCE: What is the matter?

Hon Peter Foss: I am trying to work out, from what you are saying, what order of the day we are on.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Perhaps this is an opportune time to draw the Leader of the Opposition's attention to the fact that his remarks are only tangentially related to the motion, and I ask him to draw his remarks closer to the motion.

Hon Peter Foss: I was not being critical; I genuinely wanted to know what order of the day it was.

Hon KIM CHANCE: Thank you, Mr Deputy President; I will try to change the direction of my remarks so that they are of a peripheral rather than a tangential nature, which at least means that I will be going around the subject rather than away from it.

The DEPUTY PRESIDENT: If they were peripheral I would have to rule them out of order.

Hon KIM CHANCE: It is not the committee's task, in making an examination of government departments as distinct from agencies, to try to second guess the Public Service. If we were to take the view that the committee's role should be entirely prospective -

Hon N.F. Moore: There is no suggestion that that should be the case.

Hon KIM CHANCE: No. It is a matter of getting the values right, but if it were to do that without balancing it with a retrospective function, we would run into that danger.

An example that comes to mind is the difficulties that have been identified by the Opposition, and also by some members of the Government, within the administration of the Department of Fisheries in Western Australia. However, before the committee can even begin to recommend procedures which may overcome those difficulties, it is essential that the committee understand what is happening in that department to determine why its operations are different from those of other departments and why they have resulted in the outcomes that we have seen. This is one of the few occasions where it is probably just as important to identify the problem as it is to identify the solution, because it is often said that while anybody can identify a problem, it takes someone with real skill to identify the solution, but it should also be said it is pointless to try to find a solution unless we understand the problem. That is an important role for the committee, and I think the Leader of the House agrees with me. He was simply saying that we should endeavour to point to solutions rather than spend all our time identifying problems.

Mr Deputy President, thank you for your forbearance as I wandered around those subjects, but they are important in establishing the culture of the committee.

HON JOHN HALDEN (South Metropolitan) [7.38 pm]: I had a pair until six o'clock and I was delighted to get back here at six o'clock and find that we were sitting after 7.30 pm and that I could acquaint the House with my view on this important matter - the potential establishment of this committee.

[Quorum formed.]

Hon JOHN HALDEN: As I was saying, I am delighted to be here, speaking on this matter.

Hon Peter Foss: Unlike the remainder of your colleagues.

Hon JOHN HALDEN: Yes, I do not think they are impressed about being here on Thursday evening, particularly as the Opposition gave significant commitments about how the House would progress next week. However, I want to address the issue before members. As I explained, I was not in the House prior to six o'clock this evening, but I understand that the House made a decision to reduce the number of members on this committee from six to five. I do not want to reflect on that decision of the House because I understand clearly that that would be a distinct breach of standing orders. However, I will comment on the Minister's reasons for that decision, particularly bearing in mind the recommendation as it stands on the Notice Paper for the establishment of the new Standing Committee on Public Administration. I refer specifically to point 2 of the motion; that is, the committee will consist of six members. I understand that one of the reasons the Leader of the House gave for suggesting that this committee should go to five members -

Point of Order

Hon N.F. MOORE: The House has already resolved this issue. I suggest that the member is reflecting on a previous decision.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Hon John Halden commented on the fact that he was aware that the decision had been made and he was cautious about reflecting on the decision of the House. I feel that he is getting close to that and I advise him against it.

Hon JOHN HALDEN: I seek your advice on this matter, Mr Deputy President. I was not going to reflect on the decision of the House, but just comment on the reasons the Minister gave for the potentiality for the change.

The DEPUTY PRESIDENT: As long as the member does not rehash the debate.

Hon JOHN HALDEN: I think I understand the standing order quite well, Mr Deputy President.

The DEPUTY PRESIDENT: I am sure the member does and I am sure that he will respect it. If not, I will exercise my powers.

Hon JOHN HALDEN: Of course, I understand that only too well.

Debate Resumed

Hon JOHN HALDEN: I understand that the Minister in his rationale for why the committee should be reduced from six members to five used as one of the reasons the issue of the quorum. He said that because there were equal numbers, the provision for the quorum would be abused; that either the Government or the Opposition would remove its numbers and, therefore, the meeting could not continue. I have the impression - I was not here when the decision was made - that the Leader of the House may have been reflecting on the then Government. As a member of the Standing Committee on Government Agencies at that time, I have a clear recollection that that provision was used by both sides of the House. Although I regret in hindsight that sort of game play by either side of the House, that was a short term problem on the committee and one that taught all members a lesson about the sorts of issues that committees such as this should look into.

There were often difficulties with the political nature of certain questions and, as a result, politics were played. Indications from both sides of the House are that the committee, having had that problem five or perhaps even six years ago, has functioned well since that day. The committee did not see that as being a problem under Standing Order No 11. It understood the requirement to be a committee of six. If I go any further in that matter, Mr Deputy President, you may be within reasonable grounds to comment on the statements I have made.

The DEPUTY PRESIDENT: I thank you for that advice.

Hon JOHN HALDEN: I am pleased you do, Mr Deputy President, and I am delighted you accept it so pleasantly.

I am pleased that eventually members have reached this issue. This motion was originally moved by Hon Barry House on 22 August. It is clear that the Government has had enormous difficulty dealing with the extension of powers of this new committee. I can understand in part the reason for that. Previously the Standing Committee on Government Agencies has been excluded from looking at government departments. As members know, government departments in the main receive a larger share of funding than government agencies as they are defined. It seems that a significant delay in this matter has occurred. I would like to speculate on why that has happened.

For the past four years the Government has advocated the position of accountability, but when tested with it, it has been left to ponder whether it really wants to be accountable in this committee's activities. This committee will look at departments, but not in a bilateral way. It will be ensured that the Government of the day, of either political persuasion, is able to control the destiny of these committees and to influence significantly its findings on activities.

Hon Barry House: The intention is for the Opposition to have the chairmanship of the committee.

Hon JOHN HALDEN: That is a particularly relevant point. I accept that and I think the intention is appropriate. However, Hon Barry House will understand that when a Government of either political persuasion has the numbers - I do not want to be unfair in this; I just want to raise the issue - the casting vote of the chair is useless. The member knows that; we all know that. I accept his point and I accept that there are some significant arguments about why the Government should have the chairmanship of this committee.

I also understand why the Government should have a majority on the committee. However, there is a counter argument about what has been wrong with this committee of equal numbers and why it should make a recommendation of continuing with equal numbers; then we find an amendment by the Leader of the House that it should not be of equal numbers. As I said earlier, equal numbers have worked particularly well for the past five years, and perhaps six. I do not understand the necessity for that amendment. It may be to the detriment of this committee. I do not want to be harsh or over the top in what I am saying. I accept the point Hon Barry House makes.

I will now dwell on the mechanisms of the committee system and what members are doing through this motion and one of the reasons they are doing it. The motion is complementary to the Government Agencies Committee, but perhaps not to other committees. Over time, the Government Agencies Committee has performed a particularly thorough and useful role; however, in other committees there has been a questioning of the investigating integrity, thoroughness and desire to want to continue in that process. I refer specifically to the Fisheries Department, which

I think Hon Kim Chance raised when he spoke before me. The Opposition has raised considerable concerns in this place about the Fisheries Department. That matter has been referred to another committee of this place. I will not elaborate on that. However, people on this side have more confidence in this committee investigating the Fisheries Department than the committee that has superficially looked into that matter. That is to the credit of this committee. There is a feeling of confidence about this committee; that is, that it will perform in a far more thorough way than one of the existing committees and be a far more appropriate destination for our complaints.

At the end of the day we may be creating a potential overlap of responsibilities of committees, and I would like the Leader of the House to give some definition and explanation on this point. For example, the Estimates Committees can examine government departments. That may be the case, but now this new committee will be able to do the same, not only in a budgetary sense but also beyond that because it will be able to consider many other decisions. Therefore, there is potential for an overlap within our existing committee system. I say there will be a potential, and it may be overcome administratively but there could be a problem and we should be clear about how to deal with that.

Hon Barry House: We have dealt with that in the amendments we have agreed to. If you are not careful you will throw out the baby with the bathwater and we will lose this committee. I suggest that you get on with it.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I suggest the member address the Chair and ignore the interjections.

Hon JOHN HALDEN: I understand Hon Barry House's difficulty. However, some of us on this side are not very enthralled by members opposite at this moment. I understand the member's concern -

Hon Barry House: We have done a lot of work on the committee and we do not want to lose it.

Hon JOHN HALDEN: I understand that, and I would not want to incite a pique of passion regarding this matter. At the same time it is appropriate that we address a few points.

[Quorum formed.]

Hon JOHN HALDEN: I do not wish to pursue any longer the potential for an overlap of responsibilities. I wish to apologise to the chairman of the committee, Hon Barry House. I now have a copy of the amendments which have been passed relating to the potential for overlap. The member must have been referring to paragraph 3, and I am not sure that that is necessarily completely covered by the amendments. All I want is for the Leader of the House to provide some explanation for the argument that there will not be any potential for conflict or overlap.

Hon Barry House: We have had that debate; the Leader of the House has explained.

Hon JOHN HALDEN: I am pleased that he has, but I was not expecting to speak tonight.

Hon N.F. Moore: You did not have to; no-one made you.

Hon JOHN HALDEN: I was feeling a warm inner glow -

Hon N.F. Moore: I am losing my warm inner glow about this committee. I have gone out of my way -

The DEPUTY PRESIDENT: Order! Perhaps we should all go and have a cold shower.

Hon JOHN HALDEN: I do not think I want to oblige you in your request, Mr Deputy President. I want to make some positive comments about the Government Agencies Committee. Despite what might have been said about a difficult short term process in the committee, it is a committee of long standing in this House. Considering the activities of that committee, it has conducted itself appropriately. I understand that from time to time a difficulty occurred with the election of a chairperson, a matter which had to be resolved by this House. However, that should not detract from the workings of the committee, because they have been superb.

Hon Barry House: Make your point, but do not destroy our committee in the process.

Hon JOHN HALDEN: I am not doing that, and the member knows that I am not. If the member is suggesting that, he is wrong. I know who whispered in his ear, and he knows what was whispered. The message he has just received is the same message that we have been receiving for a long time on this side of the House. We will not sit and roll over every second of the day. I understand the member's difficulty but we will not sit here and be used as fodder -

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon John Halden has the call.

Hon JOHN HALDEN: I hope that the House will seriously consider the issues I have raised. If the potential overlap was raised previously, so be it. I want to make some complimentary remarks about the committee because, as a

former member of that committee, I know it has worked very well. I understand the current chairman's position on this matter, and on that basis I intend to conclude my remarks quickly. It has been a very good committee; it has done very good work. With its additional responsibility it will also do good work - probably better than many others. I will choose to sit, in spite of our collective annoyance about why we are here at the moment, only on the basis that this committee should have this additional responsibility because it is probably the best committee of the Parliament. I say that not because I was once a member of it, but because of what it has done since I left it, and it should have that opportunity. However, it should never be thought that people on this side can be forced to comply continually with the wishes of the arrogant majority.

Motion, as amended, put and passed.

Transfer of Documents

On motion by Hon Barry House, resolved -

That all records, documents and other material held and possessed by the Government Agencies Committee be transferred under the authority of this order to the Standing Committee on Public Administration and that the committee have power to deal with those records, documents and other materials as if they were originally those of the committee.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 6 November.

HON SAM PIANTADOSI (North Metropolitan) [7.58 pm]: I was becoming a little worried at some of the fun and games that were going on. My suspicions have become a reality: This is a plot by my former colleagues to vacate the House so that they do not need to listen to what I am about to say. I assure the Leader of the House that this has nothing to do with being kept here late this evening. It is simply the desire by members not to listen to what I have to say, and members have run true to form in that regard.

I would like to thank a few people. First, I thank the President of the Legislative Council, Hon Clive Griffiths, who is about to retire from this place. I remember my first contribution in this place. The President became a bit shaky because *The West Australian* headlines of the day indicated that I intended to make my maiden speech in Italian. I recall the flurry of activity between the President, Des Dans, the Leader of the House and Brian Burke, who were all looking for me. I was suddenly a very popular person. They could not find me because I had disappeared for a couple of days. All I had prepared in Italian was one paragraph with which the President had agreed. No doubt he was somewhat relieved. I recall that he had prepared a foolscap page statement about the arrangement we had both agreed. I thought that I had pushed my luck and would be in trouble for the rest of my parliamentary term. Not only did you forgive me, Mr President, but there have been only few occasions when we have disagreed. Whenever I have sought advice you have given it to me and I am very grateful for that.

Council staff both past and present have been very helpful. We often take a number of things for granted and we get a bit cranky with some of the hours we must spend in this place. My sincere thanks to those Council staff for their assistance over that time. Other parliamentary staff should be mentioned, especially the Hansard officers, who, along with members, have good reason to be cranky about some of the very long hours we work in here.

Before entering Parliament I knew three people before they started here: Vince Pacecca, the executive officer, whom I have known for 30 years - we served in the Army; doorman Basil Georgiou, who ran a delicatessen not far from my office in Osborne Park a few years before coming here; and Vince La Galia, one of the stewards, whom I met the second day after arriving in Australia.

My special thanks to former members, Hons Fred McKenzie, Tom Butler, Jim Brown, Peter Dowding and Bob Hetherington. They all assisted me and gave me guidance over the years.

I wish members who are departing, Hons Val Ferguson, Doug Wenn and Graham Edwards, well in their retirement, along with my good friend Hon Phil "Knuckles" Lockyer. Contrary to what many people have thought on different occasions, we are not too unfriendly towards one another; in fact, we have remained good friends. We have had a few differences of opinion from time to time, but spent some good times together on committees.

I extend my best wishes to Iain MacLean in his forthcoming venture into the lower House. I know the challenge he faces, because I will also be contesting a lower House seat. The Assembly is a different ball game from the Council, and seeking election as an Independent member is not easy. Iain is a little more fortunate because he has party

resources behind him. These are the times we realise how important is that backing. Campaigning on one's own is a little difficult.

I also thank Hon Tom Helm for his cooperation over the years. We may have different views now, but his cooperation in the past cannot go unacknowledged.

A number of friends have supported me in the past: Claude Basile, Terry Gabriele, Bruno Biase, Joe Di Leo, Remo Biancotti, George McDowell, Jim O'Neill, John Hsu, Garry Gam, Tony Lee, Winna Ng and the Cieslak family. I thank them for their strong support. I thank also my staff past and present: Ros Byrne, Lepa Mikich, Roger Watson and Mantic Man. A number of organisations have also provided me with support: The Ethnic Communities Council, the Australian Asian Association of WA (Inc), the Perth Asian Community Centre, North Perth Migrant Resource Centre, Stirling Ethnic Aged Homes and many other ethnic groups and associations. I thank them for their friendship and assistance.

I say a special thanks to my wife, son, father and mother-in-law for their support, especially this year. It has been a rough year. I do not know whether it was an omen, but it all began when I turned 50 - my whole life seemed to change. Things were a bit savage when I thought I had a few friends with me to celebrate my fiftieth birthday. However, in the cold light of day it was a case of Julius Caesar's experience - et tu, Brute. That is exactly what occurred.

Hon Peter Foss: They are honourable men.

Hon SAM PIANTADOSI: Very much so. While slapping my back the damage was being done.

Hon Peter Foss: He's gone too.

Hon SAM PIANTADOSI: I guess things always turn full circle. A couple of people in this House may have a little bit more to think about shortly. Their absence from this Chamber at the moment is a clear indication of the fortitude of my former colleagues and the manner in which they conduct their business.

Hon Tom Helm: It is nothing to do with you, Sam.

Hon SAM PIANTADOSI: I said my thanks to Hon Tom Helm. It is now a different ball game.

Hon Tom Helm: It is that side of the Chamber, not you.

Hon SAM PIANTADOSI: He can continue to play his funny games as some of his colleagues did. I refer to some of the experiences I had with some of his colleagues. I was present in here during a division one night and a person - Mr Helm knows about whom I am talking - was standing right next to me. He called my wife at home five minutes later and said, "I am looking for Sam; there's a meeting tomorrow." She said that I was in Parliament House. That individual said that I was not in Parliament House. That person did not page me so my wife rang me on my mobile phone. I was in the Strangers' Bar with some people. She asked, "Where the hell are you?" I said that I was in the bar with two friends from Adelaide and invited her to talk to Harold Tomblin who was with me. She declined, but said that someone was looking for me. It was fortunate that I had not driven the boys back to their hotel. Had I been in transit I would have really been in trouble. I ushered the gentleman responsible out of the bar and told him that if he had cause to call my home again no-one would be able to tell the difference between his face and his backside because I would rearrange his face very quickly. There was an air of skulduggery and viciousness about the way those people conducted themselves.

Not only was I subjected to investigation by the National Crime Authority, but also stories were spread about me. As I said previously in this place, my wife kept receiving phone calls about me receiving sexual favours. It has gone from there to one better now; members of the Labor Party are spreading the rumour that I am forever drunk. They are the colleagues of Hon Tom Helm. I am sure he heard it and is aware of it. That is what his people are spreading. If he reckons that I am bitter and that his people are endearing themselves to me, the best is yet to come. If that was not bad enough, there is what is occurring now because I decided to stand for the lower House seat of Yokine where my office has been located for the past seven years. I represented that area even when we had a small province. As you may be aware, Mr President, I was the member for North Central Metropolitan, which covered about three-quarters of the present seat of Yokine. I have been in that area for 13 years. The rumour that is being thrown around is that I am being paid by the Liberal Party to stand for the seat of Yokine and that I have been offered \$60 000.

Several members interjected.

Hon SAM PIANTADOSI: It is not hard to work out that if an election were to be held in December, I could lose out on my salary and superannuation to the tune of approximately \$60 000. Hon Mark Nevill did some homework and found the figures to be correct for him. Because we came into the House at the same time, I estimate mine to

be about the same. I ask Hon Norman Moore, "When may I expect the money?" I still have a young family and it would come in handy. If members of his party are willing to make me that offer, I am interested in talking to them.

Hon Peter Foss: We would be interested in it for any of our candidates, too.

Hon SAM PIANTADOSI: That saga continues from the Labor Party. Not long after I decided to become an Independent I was approached in the corridor by Hon John Halden. He told me, "Don't go making any more statements." I asked, "Why?" I do not think he had an answer but I got the drift pretty quickly that if I made any more statements - I will not use the word I would like to because I would incur your wrath, Mr President - the kind of nonsense that has gone on subsequently would continue for me. It was a subtle way of saying, "Shut up or we will continue." They will not shut me up. What matters to them is power at all costs. If they were only to go out there and speak to the community at large, they would find they are so far out of touch with ordinary Labor people who have been supporting the party for many years, those people will never support and follow what they are proposing and the actions they are taking. After 28 years of being a member of the Australian Labor Party, I thought that at least I was probably someone who was deserving, not of favourable treatment, because I do not want favourable treatment, but at least of being approached by the party and asked, "What do you want to do?" I do not think there would have been a blue because there is life after politics and at the prime age of 50 years I was considering an alternative route to take. There is also the likelihood I would have stood down voluntarily without any of this. However, that does not satisfy certain elements; they must be seen as being in a position of power where they can decide whatever they want. That has inspired me a little more and given me a new lease of life. Believe you me, Mr President, I am not about to quietly pass away, as was alluded to by one of my former colleagues the other night during the appropriation debate. I will be around for a long time - and so will many of my friends. Whenever the election is held, win or lose I will be around and so will they. I can assure Hon Tom Helm of one thing: If he looks at what is occurring in the northern suburbs, his party has currently probably four members there.

Hon Tom Helm: Karratha and Hedland are in the north.

Hon SAM PIANTADOSI: I know it is foreign to Hon Tom Helm, but there will be even fewer Labor Party members there.

If one recalls, we had WA Inc and Wanneroo Inc. We all know what happened with WA Inc; some people in this place were found to have perjured themselves. With Wanneroo Inc members of the Labor Party lost their memories when they tried to slur and ensure that the reputations of a number of people were tainted. Lies, lies and lies were spread. One thought that after a change of leadership that kind of nonsense would have been cut out promptly, but no, the lies continue. Only today in the media the opposition spokesperson on police matters stated that crime was on the increase.

Hon P.R. Lightfoot: Who is that person?

Hon SAM PIANTADOSI: The opposition spokesman on police matters is Mr Nick Catania, I understand. He said that crime was on the increase and that all of the blame was attributable to the Court Government. The figures he used in a pamphlet that was circulated by him and by other Labor candidates quite clearly reveal that again they are misleading the community of Western Australia; again, lies are being told. The stench continues; we have learnt nothing from WA Inc and Wanneroo Inc. I really think that it is time it stopped.

The member for Balcatta and the pretender to the throne of Yokine, Mr Catania, put out this pamphlet which reads that in 1993 the Court Government made a solemn promise that a coalition Government would make the streets of Western Australia safe. The Labor Party went on to write that since then serious crime has increased by 66 per cent. On the second page it refers to the Court Government's track record: Crime from 1992 to 1996, including serious assaults, up 80 per cent; common assaults, up 52 per cent; offences against the person, up 52 per cent; robbery, up 120 per cent; damage to property, up 47 per cent. That is what the Labor Party stated. I also have a graph and another pamphlet sanctioned by the Labor Party and put out by another member. This pamphlet refers to the crime growth record of the Court Government. The graph covers the period 1992 to 1996. The figures indicate that robbery is up 120 per cent; serious assaults, up 80 per cent; total offences, up 52 per cent; and damage to property, up 47 per cent. However, the graph starts in 1992. For the 12 months from 1992 to 1993, the Court Government was not in power; the Labor Government was in power. The figures indicate that robbery was up 127 per cent in those four years. The graph shows that 50 per cent of the 120 per cent increase was in the 12 months under Labor, and it has attributed those figures to the coalition to make its figures look good. That is not to say that the coalition has done a good job; there is a long way to go. More must be done. However, that is a blatant misleading of the public by utilising figures to political point score. The same happens to be the case with another pamphlet that I have in my possession. When the 50 per cent is taken from the 120 per cent it leaves a 70 per cent increase over three years. If that figure were divided by three years, the increase would be about 23 per cent a year, which is half what

it was in 1992 under Labor. The same would apply to the serious assaults, total offences and damage to property figures.

The Labor Party is misusing the figures. Its graph shows clearly that things have changed. The number of offences, while still high, have dropped considerably compared with its last year in office. For the love of me, I cannot understand why it felt a need to include the 1992 figures. One would have thought that the best figures to use would be the figures for 1993 to 1996. This document was authorised by Mr Mark Nolan on behalf of the Labor Party. The worst year - there was a 50 per cent increase - was 1992 when Labor was in office. The Labor Party is playing politics with those figures as it is playing politics with the police. Playing political football with the Police Force does nothing to encourage the criminal element to pull in its head. In fact, the reverse is the case. It is time Dr Gallop and his friends came clean and stated the facts. We do not want to return to the days of WA Inc or Wanneroo Inc and the Labor Party should not continue to tell lies and mislead the community of Western Australia with these incorrect figures. It is adjusting the figures to suit its own purposes. However, it has stuffed up badly by including 1992 as being part and parcel of the Court years in government when everybody in Western Australia knows that the Labor Party was still in government in 1992. That is not on.

I will be seeking advice about this advertising by the Labor Party. I will check it out with the Electoral Commissioner to see whether the Labor Party and its candidate, in printing this material, have committed an offence. Clearly they have used information that is not true.

Hon P.R. Lightfoot: Would you be prepared to table those papers afterwards?

Hon SAM PIANTADOSI: Certainly. The graph that I received in my home was put out by Clive Brown. I seek leave to table these documents.

Leave granted. [See paper No 860.]

Hon SAM PIANTADOSI: That is deception of the worst kind. I hope that the Western Australian community sees through what has happened and continues to bear in mind Wanneroo Inc and WA Inc, because nothing much has changed in this place or in the Australian Labor Party. I have had first-hand experience of being at the receiving end of some of the lies put around by some of my former colleagues.

As I stated, there is still a lot of work to be done on law and order. The elderly and the young tend to suffer most from the serious assaults and damage to property. The elderly particularly are very vulnerable. We need to get back to the basics socially and morally and bring discipline back into the community, because that is lacking. The Government could put on the streets as many police as it likes; however, until we cut out the violent cult figures that the young people see on the television screens every night, we will continue to have problems and difficulties with these young people. This evening on television a young person was interviewed about a new game. He was asked to give it a rating out of 10. The game involved motorcyclists racing along a highway. The victor was the one who kicked as many motorcyclists off their bikes as possible. Last week I expressed my fears about the sort of stuff one can view on the Internet. We must come to grips with that; we are doing nothing to stem the tide. We are only applying band-aids to the problem. We need to bring about changes, because, until we do, there is no hope.

We also need to look closely at the parole system. I understand the Government is dealing with that. The current system of parole must be abolished because it is not serving any useful purpose. The Mickelbergs got 14 years when people who commit murder and rape get nine years and are allowed out of gaol in three or four years. That is a disgrace. We need not look any further than this room to find those who have allowed it to continue.

Some of the prisoners who recently broke out of Wooroloo and other correction centres had only a couple of weeks to serve on their sentences, but they could not care less. A prison warden who recently wrote to me pointed out that under the previous system prisoners had to earn their remission. At the moment it is a right, and they are entitled to parole. He stated that every time they erred while in gaol they would lose points, and early release depended on their behaviour. Those changes were brought about in 1971, and the system has been declining since then. This officer spent 30-odd years in the corrective services system. We should look at that area, because the current system is not serving the community well. We should look at the people who are in prison. They might not be there today if they had received some assistance. We set the guidelines for judges and magistrates, and their hands are somewhat tied. The police are frustrated because they arrest people and the next day they see them out on the streets. We should fix this system before it is too late and we cannot turn the tide.

I support trade. My friend Hon Phil Lockyer is present. Western Australia has made giant steps towards expanding the horticulture industry. It has a big future in Western Australia. The right infrastructure will reap benefits for the future of not only Western Australia, but Australia as a whole. Horticulture is a labour intensive industry that provides many jobs. I regret that the mariculture committee got started, but never got a run. This House should reconsider that industry in the future. It has the potential for growth, and will deliver opportunities for many Western

Australians. That industry can expand. The infrastructure is very important. In Asia, and particularly China, there will be severe food shortages, because seasonal floods are raping the Chinese land. China has placed an order for 2 million tonnes of urea so the land will start producing again. If these severe floods continue, in five years' time China will not have enough food to feed its people. The Fujian province is investigating the possibility of leasing land externally, so it can provide food for its people. The Western Australian Government should keep close tabs on that situation. I am sure that many people would be willing to enter into joint ventures to ensure China has a food source for its people. That demand will expand in the future. The opportunities exist, and we need to protect those opportunities.

Last week I made a plea to members on both sides of the House about Pauline Hanson and Graeme Campbell. They are jeopardising our opportunities overseas. Australians have the right to speak; however, we should debate this issue with Hanson and Campbell and point out the facts. We will fail if the likes of Hanson and Campbell get a guernsey without the community hearing the other side of the argument. The sad fact is that the community has been hearing only one side of the story. The people on the receiving end are not sure what it all means, and they may take action of a racist nature, which could be physical or otherwise, and then we will end up with huge problems. The Governments in South East Asia understand that the point of view expressed by Pauline Hanson and Graeme Campbell is not the view of average Australians, but of minority groups. In fact, Asia has its own problems. In a sense it would be difficult for Asian countries to point the finger at Australia, because if one looked closely one could point the finger at the way in which they conduct their affairs. However, we are in a global economy, where all markets are important, and it is ludicrous to allow the likes of Hanson and Campbell to damage our economy, and the markets and ties that have been developed over many years by successive Governments, simply by not engaging in debate and exposing the Hansons and Campbells of this world for what they are. We should take them to task at every opportunity. They should be able to express their point of view, and so should we. We should offer the alternative point of view, so the community is better able to determine what is right and what is wrong. Currently that is not the case.

I thank members for their indulgence and for giving me this opportunity to speak. I thank members opposite for listening. This is a sad occasion, and, to use that old saying, one lives and learns. What has occurred this evening, with many of my former colleagues snubbing me, ignoring what I have to say and continuing to play funny games, has shown me clearly that the decision I made earlier this year to drop the Labor Party and become an Independent has been vindicated. If opposition members think that I will run away or hope that I will be removed from the scene, they never really knew me. However, I make the promise that they will get to know me from now on.

Personal Explanation - Hon John Halden - Misrepresentation by Hon Sam Piantadosi

HON JOHN HALDEN (South Metropolitan) [8.39 pm] - by leave: I claim to have been misrepresented by Hon Sam Piantadosi.

The PRESIDENT: The member can make a personal explanation, bearing in mind that it is to be non-controversial.

Hon JOHN HALDEN: I understand that, Mr President. I wish to clarify for the House the comments of the previous speaker. Although I was not in the House I was watching the member on Hon Kim Chance's television. To the best of my recollection the member who has just spoken said that I had in some way implied either directly or indirectly that he should not continue to comment. It is appropriate that the House be aware of the circumstances in which I made those comments. I was deeply surprised, and am considerably hurt, by the member's comments and the way in which they have been made. In recent times Hon Sam Piantadosi's office was raided by the Australian Federal Police and he said he would make a statement in regard to that. A number of people - not just members of the Labor Party - advised me that if he did so it could place them in jeopardy.

Hon Sam Piantadosi: That is simply not true.

Hon JOHN HALDEN: I took the honourable member into my office and advised him of the danger in which he was placing himself, and told him he should not continue with those comments. I advised him to seek legal advice, and the honourable member then said he had spoken to his legal representative and would not continue to make those comments.

Hon Sam Piantadosi: It had nothing to do with that and you know it.

Hon JOHN HALDEN: I will not indulge in debate with the member because I understand the limitations imposed on me by the standing orders. At the same time, I make it clear that I had always considered the honourable member to be a colleague and, whether or not he was a member of my political party, I thought it appropriate to give him the best advice I could. I did just that.

Hon Sam Piantadosi: It was shut up or we will fix you some more.

Hon JOHN HALDEN: It is totally outrageous to say that, and the member knows it.

Hon Sam Piantadosi: Mate, you could not lie straight in bed.

Hon JOHN HALDEN: I ask the honourable member not to address me as mate. I wish to clarify this matter.

The PRESIDENT: Order! Hon John Halden has outlined the way in which he has been misrepresented and that is all he can do.

Hon JOHN HALDEN: I wish to continue. Since that time, apart from the normal greetings one exchanges with other people in this place, I have not spoken to the member in any way whatsoever. The comments during his speech, and subsequently by interjection, cannot be based on any facts because the honourable member knows that the basis of our conversations has never been other than convivial. I am aggrieved by what the member has said. I endeavoured to act in his best interests.

Hon Sam Piantadosi: My guardian angel!

Hon JOHN HALDEN: There are people -

Hon Sam Piantadosi: You are a joke, Halden.

Hon JOHN HALDEN: In this place there are people who will confirm that I sought their advice and that, on the basis of that advice, I spoke to the member. I am happy for the member to say whatever he likes, and I thank the House for the opportunity to correct the record.

Debate Resumed

HON I.D. MacLEAN (North Metropolitan) [8.43 pm]: I take this opportunity to make what is probably my last speech in the Legislative Council, though not my last speech in the State Parliament of Western Australia. I begin by saying how good it was to enter Parliament as a new kid on the block and to have you, Mr President, as a guiding light. Some of my colleagues still comment on the fact that I came very close to being the first government member to be ejected from this place. Hon John Halden was speaking about education and I interjected because I did not agree with what he claimed were his rights.

I convey my best wishes to Hon Graham Edwards who, as a northern suburbs representative, has been one of the most approachable Labor people in the area. He is very well liked in the community and a great asset to the Labor Party. I do not know Hon Doug Wenn well but I wish him luck in his retirement. Hon Phil Lockyer is retiring to a farm but, as people have pointed out, it is not so much a retirement as a sentence. Two other members are retiring, one of whom is Hon Val Ferguson who has had a very short stay in this place. She is another victim of the Labor Party, which has a very odd way of rewarding the dedication of people such as Hon Val Ferguson. As a person from a working class background, I cannot understand the way in which members opposite work.

Hon Tom Helm: That is why you are there.

Hon I.D. MacLEAN: Hon Sam Piantadosi has outlined the way in which he found out about his dismissal. He had his fiftieth birthday party, which was attended by the leader of the parliamentary Labor Party, and the next day he read in the newspaper that he was retiring. Nothing had been said to Hon Sam Piantadosi that night, and yet I knew about it. I had been told of it by members of the Labor Party in the northern suburbs who are thoroughly sick and tired of the way people opposite act towards their long serving members. I told him his position was not at all secure, but I do not think he placed any credence on my warning because I imagine he expected better from the party to which he had given all those years of service.

Hon Sam Piantadosi: I was lucky I was not done in. It could have been worse. I could have been done in in Northbridge. You never know.

Hon I.D. MacLEAN: Hon Sam Piantadosi has referred to one of my favourite watering holes, and I assure him it would not have happened in Northbridge.

I now highlight some of the things in which I have been involved in the past three years in the northern suburbs. I asked my electorate officer to send some old press releases so that I could refresh my memory. However, she left out one which I thought was the shining light of my early days in Parliament; that is, my approach to the Minister for Planning, Hon Richard Lewis, to convince him that the then Koondoola open space - now the Koondoola regional bushland - should be preserved. Richard Lewis looked at the ground, walked around the area, agreed with me and then tried to find a way to preserve it. I remind honourable members that the Koondoola open space, as it was then called, is a large area of banksia in the northern suburbs. It was designed as a buffer zone between the proposed northern suburbs airport and heavy industrial area. However, they did not eventuate. In 1987 after the bottom of

the harbour activities by the previous Government, Homeswest found all its cash assets had been stripped. Although it was asset rich in land, it had no assets with which to build houses. It immediately looked at its saleable assets, of which the Koondoola open space was one of the highlights. It is high ground with views to the hills and in some areas views to the city. Homeswest initiated moves to have the council rezone the public open space so it could urbanise the area and sell the land for housing. A long and protracted battle with residents ensued, and at one stage the council flatly refused to rezone the area. Homeswest, with the support of the then Minister, threatened to override the council decision and have the rezoning specially gazetted through Parliament.

At about this time the Hepburn Heights issue hit the newspapers and the Labor Government was suffering badly over its ecological vandalism in Hepburn Heights. Luckily for all of us, Koondoola open space dropped off the then Government's hit list. Between then and now, nobody wanted to own Koondoola open space and the bush has become a little degraded. Homeswest was still trying to claim the area, stating that dieback could be found in the banksias. This naturally occurring fungus is usually cleared up by a little burn off. After a few other incidents, luckily the powers that be recognised the potential for Koondoola regional bushland as a major environment park in the northern suburbs. This proposal far outweighed the little money Homeswest would have made from the sale of that asset.

Koondoola for me was a great achievement, probably because I had been involved with the bushland since 1987 when it was first mooted to be sold off as housing. One of the other great achievements of the Court Government - and one largely overlooked - is Homeswest's redevelopment priority in some of the old state housing and Homeswest housing developments. I was pleased earlier this year to announce that Homeswest entered into agreements to redevelop Girrawheen, Koondoola and Balga with improved street scapes and amenity for people in the area. Therefore, people will not suffer the stigma which sometimes attaches to the suburbs.

In the time I lived in those areas, and probably one of the reasons that I became politically active in the local community, it became evident that the Labor Party had total disregard for its traditional supporters. The people of Girrawheen, Koondoola and Balga are the traditional working class. They are the people who supported Brian Burke and the Labor Party and manned the polling booths. However, as they were traditional Labor supporters, the Labor Party felt it never had to spend a penny on them.

[Quorum formed.]

Hon P.R. Lightfoot: One Labor Party member on the other side of the House!

Hon Tom Helm: But a good one; one as good as any of you crowd opposite!

Hon I.D. MacLEAN: The Hon Tom Helm is one of the diehard Labor Party members. As a result of the Labor Party tradition with diehards, I would be very worried if I were the member.

Hon E.J. Charlton: Just tell him he is a good bloke.

Hon I.D. MacLEAN: That is the kiss of death in the Labor Party.

The redevelopment of Girrawheen and Koondoola with new street scapes and the beautification treatment on houses, including front fences, will be an asset to the people of the areas. For too long we suffered the social engineering of members opposite as they established big areas of state housing. Those opposite had little regard for the people living in the area as long as they continued to support their political cause.

Some of the other issues with which I have been involved over the years include the constant request for improved bus services in the northern suburbs. The Minister for Transport has been compliant to these requests. When we came to power, we had the ridiculous situation of five bus services operating in two of the largest suburbs in the north metropolitan area. Merriwa and Clarkson had almost a non-existent bus service. Since we have been in government, the bus service has increased to 17 day services, and evening bus services were introduced on 3 November. Previously, when people worked overtime and missed the 6.45 pm bus from Joondalup station, they walked home some five or 10 kilometres from Currabine.

I have also been involved in the Yanchep National Park upgrade. As a resident of the northern suburbs, and a born and bred Western Australian, I regarded the deterioration of Yanchep National Park to the extent it was allowed to reach as tantamount to vandalism. The Government has recently announced major upgrades of the layout of Yanchep National Park and of the Yanchep Inn. The Yanchep Inn is one of the highlights of the national park, which many people remember as the place of their honeymoon. Such people are thoroughly disgusted at the state into which the inn was allowed to deteriorate. The \$14m upgrade announced for the Yanchep Inn will double its accommodation value and bring it up to a modern standard. That is nothing short of miraculous. Hon Jim Scott often says that the Government does nothing for our environment and heritage, but this Yanchep development shows how wrong he can be.

Some of the forward-looking attitudes which have been developed by public servants over the past few years, with the encouragement of the Government, can be seen in the Quinns Rock pumping station, a sewage treatment pumping station to service one of the new subdivisions just north of Quinns. The former Water Authority planned to build a pumping station on the foreshore as part of its ongoing strategy. However, severe storms lashed the area around the time of that proposal, and I happily sent it a photograph of the damage to the intended station site. A six foot void formed under where the tanks were to be located. The Water Authority was happy to agree to move the pumping station. Also, it rescheduled the infill sewerage program for the old Quinns area so that the main sewerage line would lead to the intended main pumping station for the Quinns area. That removed the possibility of the pumping station being located along the coast.

Recently in this House we have had discussions about a northern suburbs airport. Those opposite, in line with the tradition that they have adopted over the years, ran around and said that the northern suburbs site was our idea; that an airport would go ahead there to the detriment of the people in the northern suburbs; and that those on this side were nasty people for raising the proposal. Happily I was able to show the local residents that the northern suburbs airport was first mentioned by the Labor Government in 1990, and it envisaged that it would be completed within a short time. This upset the former Leader of the Opposition, Jim McGinty, who put out a press statement calling me all sorts of names, many of which I did not recognise because I am such a good Catholic boy.

Hon Max Evans: I didn't know that.

Hon I.D. MacLEAN: I am on Sundays. The Labor Party was very upset that someone could show that in 1990 it was very keen to have an airport up there. When he saw my press release, Hon Graham Edwards rang the *Wanneroo Times* and demanded it prove to him that the Labor Party was involved. Unfortunately for him, I have 10 years' supply of that community newspaper and could prove to him that not only did the Labor Party put forward the proposal for an airport in 1990, but also his name was mentioned in some of the articles. Needless to say, Hon Graham Edwards dropped the matter very quickly.

The Labor Party was not keen to give up what it thought would be a prime election issue, but unfortunately for it, it failed to check the facts before it distributed a very expensive flyer to the local residents. After I read it and had a bit of a giggle, I was able to reassure the residents that in no way was this Government thinking of putting an airport over priority 1 ground water. After all, the Labor Party rejected the construction of a corner store because it was to have been located over priority 1 ground water. There is no way we would ever put an airport there.

The northern suburbs is the fastest growing area in Australia. These areas always need more services, particularly education facilities. Before I came into Parliament, the need for schools in the northern suburbs was highlighted to me when, just after the opening of Clarkson Primary School, it was realised that a primary school was needed in Merriwa. We contacted the Education Department about providing a school there and were told that because a school had been built in Clarkson, it would be five years before a school would be built in Merriwa. Luckily for the people of Merriwa, there was a change of government and a change of attitude, and a school for that suburb was fast-tracked. There will always be a shortfall of education accommodation in the northern suburbs, or any fast growing area for that matter. The Education Department has had to become proactive in looking at how it will supply its service.

[Quorum formed.]

Hon I.D. MacLEAN: Another government initiative in the northern suburbs is the school in houses project in which a developer will build a cluster of houses which will be leased by the Education Department and used as school until there are sufficient numbers for a permanent school to be established. The first school in houses project in the metropolitan area was in Ellenbrook. It proved to be so successful that similar projects will open in Neerabup and Mindarie, as well as the establishment of a school in shops project in one of the southern suburbs. Given that there is sometimes no need for a school in an area after a few years, the school in houses initiative has been expanded: The school, comprising high quality, transportable buildings, will be removed for use in another area where it is needed and the land will be sold. This major initiative will save the State a considerable amount of money.

I support the Government's initiatives to assist people in the northern suburbs and other fast growing areas so that they are not disadvantaged in any way because they choose to live in God's country - Wanneroo. Over the past 30 years Wanneroo has developed from a small hamlet of less than 3 000 people to a thriving city of 230 000-odd people. One problem with such rapid development is that it always outstrips the available services. The inadequacy of the local 84-bed hospital has always been a worry to residents in the northern suburbs. In almost every election campaign I can remember since I returned to Western Australia, the Labor Party promised to do something about that situation.

Hon W.N. Stretch: The one man party.

Hon I.D. MacLEAN: That is right. If we were ever invaded, the Labor Party would have to join the Army, because it has the best "gunnas" I know!

The Government has announced that Health Care of Australia has won the contract to redevelop Wanneroo Hospital from an 84 bed regional hospital to a 335 bed hospital with a mix of public and private patients. This \$50m redevelopment will bring that hospital up to a high standard, and it will be as good as, if not better than, the city based training hospitals. That reflects the Government's commitment to the northern suburbs and to the people of the northern suburbs.

Hon Tom Helm: Will we get doctors for the hospital?

Hon I.D. MacLEAN: Absolutely.

Hon Tom Helm: Will they be foreign doctors?

Hon I.D. MacLEAN: They will be any person who is qualified to practise as a doctor.

Hon Tom Helm: With service provider numbers?

Hon I.D. MacLEAN: The problem with members opposite is that we give them some news that demonstrates that we are listening to and looking after the local community and they make silly statements about whether they will get doctors. When we announced that we planned to expand that hospital to four times its current size and that HCOA would take over the hospital, one of Mr Helm's colleagues ran around the northern suburbs saying there would be job losses. Members opposite are hopeless!

Hon W.N. Stretch: Prophets of doom!

Hon I.D. MacLEAN: They ran around spreading malicious rumours and getting people all worked up. They are not exactly the greatest prophets or the most honest people in the world. I am not referring to Mr Helm personally. The Labor Party is not the most honest party ever in the history of Western Australia.

Hon Tom Helm: You are honest! You told us the doctors are going. Thank you! We admire your honesty.

Hon I.D. MacLEAN: We are very open about our honesty.

Hon Sam Piantadosi: Who sacked 4 000 workers from the railways in 1987?

Hon Tom Helm: Or at the Midland Workshops in 1993?

Hon I.D. MacLEAN: What about the 4 000 workers who lost their jobs? At least when we closed the Midland Workshops everyone was offered a job. When members opposite wound up all those jobs, they were gone. The big difference between us and members opposite is that members opposite say they represent the working class, but they do not. Mr Helm is one of the few people on that side of the House who has a working class background. Does he know that? Does he know the perilous position that he is in because he is one of the few people in the Labor Party who once got his hands dirty?

Hon Tom Helm: I thought you said you did.

Hon I.D. MacLEAN: I am talking about on Mr Helm's side of the House.

Hon Max Evans: A Solvol user!

Hon I.D. MacLEAN: The coalition parties in this place can boast that they have a former wharfie, a former storeman, and farmers. We have got the works here. Mr Helm is the last one on that side of the House. That is why his position must be considered tenuous.

Hon Sam Piantadosi: That is why he is alone on that side of the House.

Hon Max Evans: No friends.

Hon I.D. MacLEAN: Absolutely; they do not like getting close to the workers these days. The people out in the suburbs notice that.

Hon Tom Helm: You do not want to get close to the workers so you sack them.

Hon I.D. MacLEAN: Not 4 000 people in one go - no jobs, no redeployment.

Hon Tom Helm: Tell me about privatisation again. What does that mean?

Hon I.D. MacLEAN: Privatisation means we take an 86 bed regional hospital and turn it into a 335 bed major hospital with all the attachments - cardiac care, palliative care, senior citizens; the lot.

Hon Tom Helm: Is it an Australian-owned company?

Hon I.D. MacLEAN: Health Care of Australia is part of Mayne Nickless Ltd.

Hon Tom Helm: Is that right?

Hon I.D. MacLEAN: Absolutely. I am glad Mr Helm raised the subject of privatisation, because it brings me to another point - the restructuring of the bus service. Under the Labor Administration, if the Metropolitan Transport Trust wanted to put on a new bus service in the northern suburbs, it had to wind one down somewhere else because it had only so much money, so many buses and so many drivers and it could not stretch its resources any further to put on another service.

Hon W.N. Stretch: All they had was Bankcard money.

Hon I.D. MacLEAN: Absolutely. When the MTT was restructured -

Hon Tom Helm: Privatised.

Hon I.D. MacLEAN: Privatised - we had a saving of \$30m.

Hon Tom Helm: No passengers, but a saving of \$30m.

Hon I.D. MacLEAN: That was reinvested in the service. The private service that has the Midland run - that is where the working class people live -

Hon Tom Helm: I will take your word for that.

Hon I.D. MacLEAN: Exactly, because Mr Helm does not live there, and neither does any of his colleagues.

Hon Tom Helm: Do you live there?

Hon N.F. Moore: The chardonnay socialists.

The PRESIDENT: Order! Let the honourable member -

Hon I.D. MacLEAN: Wind up!

Hon N.F. Moore: This is the most positive speech I have heard in the House for a long time.

The PRESIDENT: Order! I was not talking about winding up. I was talking about the honourable member not having a conversation but directing his comments to the Chair.

Hon I.D. MacLEAN: Yes, Mr President.

Hon W.N. Stretch: The deputy leader of the Labor Party has not got all the answers.

Hon I.D. MacLEAN: The restructuring of the transport system resulted in a \$30m saving, which meant that the people of Midland could have more services.

Hon Tom Helm: They did not know where they were going, but they had more services! They got lost a lot.

Hon I.D. MacLEAN: What it meant for the people of Merriwa and Clarkson was that they have more services. Members opposite ignored the people of Merriwa and Clarkson. They had no interest in those people.

One of the biggest and most persistent health problems that this State faces is asbestos. I spent nine years in the Navy and during that time I wore asbestos fire suits, asbestos antifeather gloves and hoods, and things like that. I also used to remove the lagging on ships, which is all lovely asbestos material. I do not discount the problem of asbestos because it is one of those problems that worries people. People never know whether they may have breathed in an asbestos particle and will be the one person in a thousand who contracts mesothelioma, or whether they will be a bouncy and bubbly person like me who worked with it but does not seem to have suffered any ill effects. It is a big problem.

One of the problems that we face in the northern suburbs is that many of the schools have asbestos sheeting roofs, and some of the older buildings have asbestos lagging for their hot water systems. When the election was semi-forecast, members of the Labor Party - I do not want to harp on it, but they are hopeless - started running around the schools and scaring people. They said that all the children would die from asbestos diseases and all the roofs should come off. That was in direct opposition to the bipartisan approach the coalition and the then Labor Government took

towards asbestos roofs in schools; namely, they are better off left alone, because if they are disturbed, it just stirs up the fine particles of asbestos. The former Leader of the Opposition, Dr Carmen Lawrence, thought she could make some political headway by painting a couple of roofs in her electorate. That proved to be a disaster, because no-one bothered to prime the roofs first; therefore, the paint peeled off and released fresh particles. The roofs had to be replaced.

Hon Sam Piantadosi: You're having better luck than I had, Mr MacLean; the numbers in this place have doubled.

Hon I.D. MacLEAN: Goodness! I will restate the position on asbestos roofs in schools for members opposite, because I am sure that one or two of them will leave again. While the roof is structurally sound - that is, while it is not leaking water and is not warped or starting to wear in any way - it should be left in place. When the roof needs replacing, it should be done when no children are in the area. The Education Department prefers to use the summer break, even though it is probably the most dangerous time to remove asbestos. I remember an instance in the northern suburbs when a school had its oval top dressed and among the top dressing was a broken sheet of asbestos. The asbestos pieces were the size of 20¢ coins, but that did not stop some people running around saying that their children would all die if the department did not take 6 inches off the top of the oval and redress and regrow it, and that it had to be done straight away. Unfortunately that approach was driven by a political group - a group closely associated with members of the Labor Party. They did it because they wanted to gain cheap political points. That was far out from any election. I cannot condone that type of cheap political grandstanding, which has become a hallmark of those opposite.

Hon A.J.G. MacTiernan: How pure are the impotent, as Gough would say.

Hon I.D. MacLEAN: They stand there and say, "We would never do that, but did you see those other people?" They stand in their glasshouses and throw stones and recyclable body by-products that have a tendency to stick to people. I remember Hon Alannah MacTiernan coming in here and going on about a toilet block in the northern suburbs, yet she had never been to look at it.

Hon A.J.G. MacTiernan: Toilet block?

Hon I.D. MacLEAN: Yes; it was early in her time in this place. I do not expect her to remember it.

Hon A.J.G. MacTiernan: I certainly remember talking about the Warwick Primary School and the roort involved in that.

Hon I.D. MacLEAN: It was not the Warwick Primary School. Even in the case of Warwick Primary School, now that Hon Alannah MacTiernan has reminded me of it, she objected because the Government acted with such haste to remove broken asbestos sheeting after a fire.

Hon A.J.G. MacTiernan: In the most outrageous way - a cost-plus contract.

Hon N.F. Moore: Why don't you go back to where you came from?

Hon I.D. MacLEAN: Let us consider what Hon Alannah MacTiernan suggested. She suggested that all types of improper practices had occurred. However, what would have happened if the Government had dallied? If the Government had waited to get the contract done she would have lambasted us for putting the children at risk and for allowing the asbestos to blow through the suburb, willy-nilly. She would have jumped up and down and said we were the worst people in the world because we did not have any care for those people.

Hon A.J.G. MacTiernan: You have no basis for saying that.

Hon I.D. MacLEAN: If Hon Alannah MacTiernan was not on such urgent parliamentary business earlier, she would have heard that I do not have any respect for those opposite.

Hon A.J.G. MacTiernan: I am so depressed; my heart is broken.

Hon I.D. MacLEAN: I am sure it is. I have no time for those opposite because they are betrayers of the class of people they purport to represent. They do not care about the working people.

Hon Sam Piantadosi: Excuse me?

Hon I.D. MacLEAN: Hon Sam Piantadosi was always an exception to that rule. He could always be approached by anyone. I get the telephone calls. If those opposite can make political mileage out of an issue and if they can embarrass someone - it does not have to be a member of the Government - they will take on the case. They do not want to know about those cases that come into the office on a regular basis when all that members need to do is pick up the telephone and say, "Let's sort this out."

Hon Sam Piantadosi: It is called character assassination.

Hon I.D. MacLEAN: Absolutely. Hon Sam Piantadosi has hit the nail on the head. He knows about that, because that is what happened to him.

Hon Sam Piantadosi: Not quite; they tried. They are still trying.

Hon I.D. MacLEAN: They will continue to try until either they give up, which they will never do, or Hon Sam Piantadosi overcomes them, as I am sure he will.

Hon Sam Piantadosi: After tonight I'm sure the tempo will increase somewhat on their part.

Hon I.D. MacLEAN: I think the tempo will increase. They will most certainly be after Hon Sam Piantadosi's blood. The good thing about it is that the people out there now know that that is the way members opposite operate. One of the most disappointing things about the preselection conducted by the people behind those opposite, like the Mark Nolans, who meet in a coffee shop and discuss who they will have elected -

Hon W.N. Stretch: The faceless men and women.

Hon A.J.G. MacTiernan: At least we've got out from under the bed and are now in the coffee shop. That must be an improvement.

Hon I.D. MacLEAN: Yes, I used to meet them! The problem with the way they preselect their people is that they do not have any consideration for what the local members think.

Hon A.J.G. MacTiernan: I think Wayde Smith would have some interesting comments to make about consideration that has been given to local people - as would Penny Hearne, Phillip Pandal and Liz Constable.

Hon W.N. Stretch: As would Hon Sam Piantadosi.

The DEPUTY PRESIDENT (Hon Barry House): Order! Members, let Hon Iain MacLean make his own speech.

Hon A.J.G. MacTiernan: He needs all the help he can get.

Hon I.D. MacLEAN: I enjoy it when Hon Alannah MacTiernan comes in and makes such grand observations about things she knows nothing about.

Hon A.J.G. MacTiernan: Come on!

Hon I.D. MacLEAN: That is the way she does things in this place. She moves motions and then must withdraw them because she realises that the people who will suffer the most are the working people. However, she does not know that they will suffer because she does not know any working people. Hon Alannah MacTiernan is very lucky that she moved that motion after being preselected, because if she had done it earlier she would have lost all the support of the unions. They were furious with her carry-on.

Hon A.J.G. MacTiernan: Quite the reverse.

Hon N.F. Moore: Why didn't you proceed with the vote?

Hon I.D. MacLEAN: Oh yes? Obviously the union people are not talking to Hon Alannah MacTiernan very much. They rang me and talked to me about it. They were furious with her.

Hon A.J.G. MacTiernan: Is that right?

Hon I.D. MacLEAN: Yes. I get more calls from Labor Party people than Hon Alannah MacTiernan does.

Hon A.J.G. MacTiernan: You are absolutely in pixie land. You must have had some of Eric's horticultural produce.

Hon I.D. MacLEAN: I was going to wind up, but Hon Alannah MacTiernan mentioned horticulture, which is one of the main activities in Wanneroo. It is not the type of horticulture that Hon Alannah MacTiernan supports so readily.

Hon A.J.G. MacTiernan: The one that comes in little plastic bags?

Hon I.D. MacLEAN: The member would know about that. That is what she supports so readily. Horticulture in the northern suburbs is a \$1b a year business. The area exports to South East Asia the best strawberries produced in Australia and the best vegetables.

Hon A.J.G. MacTiernan: We know all about the strawberries: David King told us a lot about the strawberries in Wanneroo.

Hon I.D. MacLEAN: One of the drinks the Chardonnay socialists scoff at this time of the year is champagne and strawberries. Obviously Hon Alannah MacTiernan has been sampling the strawberries from Wanneroo.

Market gardeners in the northern suburbs have always had problems with water allocations. The Carabooda mound is one of the main sources of ground water for market gardeners in the Wanneroo area. During the term of the previous Labor Government, a person who could not add up very well convinced that Government that the Carabooda mound was about to dry up because the market gardeners were using so much water. The market gardeners did a survey, which they funded themselves. They dug a trench and lined it with plastic, and then filled in the trench. They used a normal day's ration of scheme water, and checked how much had soaked into the ground. They had an 80 per cent recycle rate on the property where the survey was undertaken. However, that did not matter to the Government of the day because it believed that the market gardeners were causing the Carabooda mound to dry out and thereby causing problems for the then Water Authority's pumps. That Government failed to recognise that the Carabooda mound is in close proximity to the Gngangara pine plantation which contains about four million trees in the 20 year age bracket, which is about harvest quality for pine trees. That number of trees on average will use between 600 and 1 000 litres of water a day. Even with my mathematics, it means that around 4 000 million litres of water a day is pumped into the atmosphere by trees, without any economic value. They are worth only about 70¢ a linear metre, which, after 25 years, is not a lot of money.

I was very pleased on the weekend to see an article in *The West Australian* stating that the Government was about to do away with the Gngangara pine plantation. That will take some time, because of the number of trees involved, but that area will be turned into one of the largest regional parks in Australia. It will be restored to its former botanic beauty. It is a pity that Hon Jim Scott is away on urgent parliamentary business and that he cannot be here to listen -

Hon A.J.G. MacTiernan: To this rivetting debate!

Hon I.D. MacLEAN: He would certainly complain and say that we should not be cutting down those trees. Again, Hon Jim Scott is not always aware of what the Government wants to do. He is more inclined to agree with the other side.

The removal of four million trees will leave no excuse for any future Government to deny the market gardeners in the area the right to a fair share of the water draw off. If market gardeners are denied that right - as the previous Government did - we will be starving ourselves of many benefits in future. Market gardeners need to expand their businesses to keep pace with the growing population in Western Australia, and with the growing demand for export quality produce in most hotels in South East Asia. If a person visits a five star hotel in South East Asia and orders a salad, that person will have an 80 per cent chance of eating salad fruit and vegetables grown in Western Australia. Members opposite sought to destroy those businesses, because of their ridiculous stance on water supplies. They said that an industry with an 80 per cent recharge rate from watering practices was using all the water in the Carabooda mound; yet they were happy to leave standing four million trees which, on average, pump between 600 and 1 000 litres of water a day into the atmosphere. They did not recognise that the pine plantation was the biggest threat to ground water in this State. They tried to close down the market gardens when there was no other reason to close them down except that some person had done some calculations and advised them to do so. He did not like the fact that the market gardeners had lived and worked in the area for 40 years and that eventually they would sell their properties and make some money. To him, the word "profit" was a dirty word. That is the attitude of some members opposite - but not all. Hon Tom Helm recognises that people need to make a profit when they retire after investing 40 years in a business.

Hon A.J.G. MacTiernan: I will send that comment to the metal workers.

Hon I.D. MacLEAN: The decision was made because people were jealous because the market gardeners who had worked properties for at least 40 years would make a few dollars on which to retire. Anyone who retires and does not need to depend on the welfare system is a threat to those people. That is how they think and work. We cannot argue or reason with those people, because they have such a strange stance -

Hon Tom Helm: Should we extend your time? You say such stupid things and we would like to hear more.

Hon I.D. MacLEAN: Thanks for the offer. I will accept it.

Hon A.J.G. MacTiernan: The people of Wanneroo will pass judgment.

The DEPUTY PRESIDENT (Hon Barry House): Order! It is possible under the standing orders to extend the member's time, but members cannot waste a member's time.

Hon I.D. MacLEAN: When the Carabooda mound was under such dire threat from the market gardeners, the previous Administration under Premier Dowding attested that it wanted to close them down, but not in a way that would allow them to make any money; that Government just wanted to literally dry up those market gardens. It was

stated that there was a decline in the draw off from the Carabooda mound. A meeting was called and a person had a \$5 calculator on which he did a quick calculation on the figures presented by the then Water Authority. He found a small error of 200 000 litres in the figures; and that amount of water was still available. Probably one of the problems with any Government is that once the bureaucracy has made a decision it is very difficult to reverse the decision. Just like the Japanese, the bureaucracy does not like to lose face. Therefore, one of the problems at the then Water Authority was that people were afraid of losing face because they had made errors in the past and did not want to admit to it.

I can cite annoying examples of their actions, such as a former piggery with high levels of ammonia in the water, alongside a former tip and a former liquid waste disposal site; which borders a golf course which has been around for 20 years. There is a high nutrient level in the water in the area. However, because the former piggery falls within the priority one ground water area the bureaucrats do not want to release the area. They are willing to jeopardise the quality of the water supply by filling it with chemicals to neutralise the ammonia because they do not want to admit they erred when they drew a line down the road. That is one of the biggest problems this or any Government will face.

I am very pleased that in the majority of cases the freeing up of the public sector and the encouragement of people to produce new and innovative ideas has meant that the old Public Service, where they would "Yes Minister" their way through life and career, is disappearing rapidly. The Government should be commended for that. Probably one of the biggest drawbacks of democracy is the mind-set that the Public Service is the only body that can make decisions and the Government is an annoyance. It forgets who is the real boss. It thinks Governments exist to accept or reject recommendations made by the public servants. On the contrary, the Public Service is there to serve the public and the Government. The sooner all public services revert to offering opinions and we do not have to hire outside consultants because we can rely on the recommendations of public servants, the better off we will all be. I support the Bill.

HON A.J.G. MacTIERNAN (East Metropolitan) [9.41 pm]: This may well be my last address in this House. I can see members opposite looking very depressed and upset at that prospect! If we sit next week we will do what we can to make another effort. As this may well be my last time -

Hon P.R. Lightfoot: They are jealous of our association.

Hon A.J.G. MacTIERNAN: Of course; they do not understand it. I begin in a somewhat different vein than that of the last member who spoke. I do not believe that the people on the other side of the House are evil incarnate. I have enjoyed meeting most members of the other side. I believe that, generally speaking, the members on the other side whom I know well are people of real integrity and are in politics for very much the right reason. We may quite often have a very different view about what will advance the cause of the community; however, that is not to say that we cannot respect the integrity of a person on the other side while disagreeing strongly with a particular position.

Before I go on and make, as I feel I must, reference to the areas where I believe this Government has made some wrong turns I will acknowledge some people from the other side whom I have very much enjoyed meeting. For the past four years I have sat with Hon Barbara Scott and Hon Murray Nixon on the Constitutional Affairs and Statutes Revision Committee. I have found that a most useful, fruitful and pleasant association.

Hon M.D. Nixon: Influential.

Hon A.J.G. MacTIERNAN: Pardon me - influential, as our chairman, Hon Murray Nixon, likes to describe us in press releases. If only that were true, we would not have the problem today of Wittenoom closing. I like to think that we have worked well together. We have been realistic about the areas in which we were likely to make some achievements. We have also realised in which areas there would be considerable political contention and which were probably inappropriate areas for us to veer into. I acknowledge what I have found to be a most pleasant and productive association with members of that side. It shows that there is a role for committees and that committees can work well. In leaving this place I would like to think that we will see some real changes in the committee system so that we strengthen the role of committees.

I have had a long association with Hon Ross Lightfoot.

Hon Tom Helm: Oh, yes?

Hon P.R. Lightfoot: In a parliamentary sense.

Hon A.J.G. MacTIERNAN: And in a media sense. We have hosted breakfast programs in the early hours of the morning together and have participated in the infamous "Left-Right" debate.

Hon P.R. Lightfoot interjected

Hon A.J.G. MacTIERNAN: Hon Ross Lightfoot did not turn up in his pyjamas. Nonetheless it was another illustration of how people, who at least publicly took opposite views on issues, were able to maintain a reasonable and cordial personal relationship. As I look around I see many other members - you, Mr Deputy President (Hon Barry House), Hon Murray Criddle, Hon Derrick Tomlinson, and Hon Bruce Donaldson, with all of whom I have had some contact and found them to be very pleasant. That is not to exclude all the others. Most of the other members I have had somewhat less exposure to, except those not on the front bench.

I also place on record my appreciation of the role of Hon George Cash when he was Leader of the House and a Minister, notwithstanding what he may have done during his time in Opposition. I think people should remember that there was no-one more prepared to be very political than Hon George Cash while in Opposition, taking the hard line, which Hon Iain MacLean now finds so offensive in a politician. Nonetheless, on acquiring the position of Leader of the House and a ministry, Hon George Cash acquitted himself with a great deal of dignity and was certainly very approachable. When a Bill was discussed he took detailed notes and made a genuine attempt to give some meaning to the parliamentary debates we had. I was very impressed when, on a number of occasions on an issue to which Hon George Cash was unable to provide an answer, a letter would subsequently arrive because he had taken the trouble to follow-up the matter. Many of us were sad to see George Cash having to step down for medical reasons. I am sure we all hope those medical problems are overcome.

Notwithstanding his propensity to lecture, even Hon Peter Foss from time to time has shown some admirable traits. More than many other Ministers he has been prepared to release information, even sometimes against the advice of his department. I think that is a trait that would be well adopted by other Ministers.

Having said that, there are some very grave areas of disagreement I have with the general position that the Government has taken. I am not sure that many members opposite appreciate just how wrong a direction the Government has taken and how wrong are some of the ideological directions guiding this Government. I know that many members in this place could quite comfortably accommodate a different direction from their Government. That is no more evident than in the area of industrial relations.

Basically the Government is seeking to move towards a highly deregulated labour market. This is based on some sort of myth of choice; that by removing regulation and allowing the free market to reign, as it did in the nineteenth century, somehow or other we will enhance the quality of people's lives or that we will address the very vexed question for Governments of all complexion - unemployment. That is simply not borne out by any rational economic analysis; nor can one escape the reality that many tens of thousands of workers in our community are in a much worse position financially and in terms of their lifestyle and working conditions which they endure as a result of the actions of this Government. That anyone can seriously believe that the majority of people who are on workplace agreements are on them by choice is really quite extraordinary. One has only to talk to people who find themselves presented with a workplace agreement and who understand what is going on to realise the pressure that people are placed under in order to sign those workplace agreements, the sort of tension that arises from being put in that position, and the very real vulnerability that people experience having entered into workplace agreements and no longer having the protection of an award safety net or the Industrial Relations Commission.

Just to give a short example, the other day two women came to Parliament House to speak to me about a workplace agreement they had signed. They had been shop assistants in a small supermarket for 10 years. The shop was sold and the new proprietor wanted to introduce a workplace agreement. He offered them a pay increase. They were fairly attracted to the idea of that pay increase, which was around 10 per cent, so they signed the workplace agreement. This was done without any analysis of what they were losing under the agreement. They then found to their horror that about one month later, having signed the workplace agreements, the employer unilaterally decided that the hours they had worked for almost a decade were to change. In an instant one was to go from a five day to a six day week and the other from a five day week to a seven day week. They had no protection whatsoever against that. Under the award, of course, there are limitations on the hours of work that an employer can insist that a person works, limitations on shift lengths and decent breaks prescribed. In this instance with the workplace agreement there was no limit on what the employer could demand for the number of days they worked and the shift lengths. One of the women could not preserve her family life and work seven days a week and so has left. The other woman is struggling with a six day week. This was done without any understanding by those women of what they were getting themselves into.

The very pernicious nature of these workplace agreements is that people simply look at the dollars and sign them. In many instances the dollars are less. I always find it curious that Ministers and members who bleat most loudly about choice offer least choice to their employees. Ministers such as the Minister for Transport and the Minister for Labour Relations when he was Minister for Health insisted as a precondition of employment in their departments, for people wanting to enter into their departments or transfers and promotion, that people sign workplace agreements.

When one asks, "How do you square this with the whole notion of choice which you say underpins this system?" there is no answer.

We could go on about the other aspects of industrial relations changes. There has been a marked reduction in the benefits paid to injured workers. They are no longer entitled to be represented in the basic tribunals. The result is that the research of a committee of this Parliament found that 50 per cent of people surveyed felt that they had been disadvantaged because they were unrepresented in these tribunals. Of course the Minister for Labour Relations likes to point out that premiums have dropped. That is so, but that has occurred largely because people have been unrepresented and have been denied their full entitlement. I certainly see them go through my office. Notwithstanding what Hon Iain MacLean says, we have an enormous caseload of matters that we deal with on a daily basis.

One chap who came to see me had the most grotesquely mangled hand with bits and pieces sticking out of it. He had been a subcontractor when somehow or other a plate glass window broke. He had taken his case to the conciliation tribunal where he was told he could not be represented. He fronted up to the conciliation tribunal where the insurer told him that he had no entitlement because he was a subcontractor and not a worker. He had taken that at face value and had been without compensation payments for some six months and, in fact, had to sell his house. When he came to see me, I pointed out to him that quite clearly there was an extended definition of worker in the Workers' Compensation and Rehabilitation Act so that certain classes of subcontractor, of which he was one, were entitled to workers' compensation. However, because he had been unrepresented in this conciliation process and because quite clearly the conciliation officer had not sought to steer him in the right direction, he had been denied workers' compensation for six months. There are millions of stories along those lines.

Another area of industrial relations is the interference with unions. I can understand the objection to compulsory unionism, but we do not have it in this State. I think there are arguments in favour of it but I can understand the arguments against it. We have not had it in this State for many decades, and so all the jumping up and down about people being forced to join unions is really a nonsense. Many of the changes that are said to have been introduced to make unions more democratic are also farcical.

[Quorum formed.]

The DEPUTY PRESIDENT: Order! I draw to the attention of Hon Tom Helm that it is against standing orders to read newspapers in the Chamber.

Hon A.J.G. MacTIERNAN: I was pointing out that the union movement has a highly democratic process. It has an electoral system which is prescribed heavily in the rules of the industrial relations legislation and an electoral process which is conducted by the Electoral Commission. In many ways it is a far superior and far more democratic process than one finds in local government, for example. It is appropriate that we have such a system. It is also appropriate that the elections are run by the Electoral Commission. They were positive developments. Union leaderships change from time to time under these processes. Therefore, to seek to prescribe another layer of fetter on the decisions that unions make is unjustifiable. These organisations are voluntary to join. People do not have to join them to get the benefits for which the unions fought. They are also organisations that have highly democratic structures, yet this Government is placing barriers in front of those organisations to stop them making political donations. It has been said before but it seems not to have penetrated too many government members, that it is a complete irony that there is no such fetter on corporations' making political donations, and these corporations are nowhere near as democratic as the union movement. In reality that is a very naked attempt to undermine the power and the influence of the union movement and to undermine the power of the labour movement generally in order to advance the long term political interests of the conservative parties and of the principal donors to the conservative parties. That will be a bad thing for Australia in the long run, even setting aside questions of equity. The long term political and social stability that has been an important feature of Australia, that has made Australia a place in which foreign capital is keen to invest, is very deeply underpinned by our industrial relations system and by the capacity for ordinary working people to feel there are mechanisms in place through which they can achieve some sort of fair share of the community's resources and who feel that they have a political party that will represent their interests, notwithstanding that they are not able to match in dollars the power and influence of big business.

Broadening out from that, a huge mistake made by the High Court was the decision overruling laws placing constraints on political advertising. The cost of campaigning and political advertising, and the advantage given to those who can afford mega campaigns has a profound capacity to undermine in the long run all the democratic structures within this society. We will end up with something like the United States where, in the words of Gore Vidal, every four years two candidates from the property party will do battle with each other.

Hon N.F. Moore: What is the solution to the problem? Obviously you have to get across your message. Is public funding the answer?

Hon A.J.G. MacTIERNAN: Yes, public funding is part of it. However, there must be absolute limits on the amount that can be spent. I am not saying they are easy to administer. Obviously there will always be a bit of fuzzy stuff around the edges. Until we take the problem in hand, campaigns will become more and more expensive, the ante will be upped, and it will be more difficult for other players to enter the field. Those with the money will do better than those without the money.

Hon N.F. Moore: We are looking forward to the day when we can afford to spend as much as you.

Hon A.J.G. MacTIERNAN: I am surprised. With the assistance of the free enterprise trust -

Hon N.F. Moore: There is very little money available these days with the disclosure laws. People do not donate any more.

Hon A.J.G. MacTIERNAN: I understood the Liberal Party had a very handsome slush fund through the free enterprise trust in which it managed to secrete a whole lot of donations. There are problems. People in the Labor Party were concerned in earlier times about what might be the quid pro quo required by some of our larger donors. It is not a problem confined to one side. However, unless we do something about it and put in place a system that will limit expenditure, more and more ordinary people will be disfranchised.

The other area where the Government is making a very big mistake is privatisation. That is not to say that, from time to time, some business activities of government would not be better privatised or that some services should not be contracted out. However, the wholesale and rampant privatisation that has been undertaken by this Government is unjustifiable. Notwithstanding some of the supposed short term gains that Hon Iain MacLean has claimed, privatisation in the long run will be proved to be an enormously expensive exercise. When we can do a proper audit of the books we will find, in many instances, that this has been a very expensive folly.

Hon Iain MacLean praised the advantages of the new privatised bus system. The first thing that always strikes me about this is that when one asks what is different, other than the fact that the bus drivers are being paid a lot less and are being required to work horrendous shifts for the princely sum of \$10 an hour, we are told that these companies are more flexible in setting timetables. There is no reason that that could not have happened under MetroBus. The real failure was the failure of administration. Many MetroBus drivers talk about the desires that they and local management had to change bus routes and refigure timetables and the amount of resistance they met from Transperth management to their exercising that flexibility. There is nothing inherent in the private sector that could not be matched by a properly managed public sector. There will also be huge problems in the operation of this system over time. I went to a public meeting in Armadale which was attended by a cast of a thousand MetroBus staff and a paid public relations consultant to talk to the public about this issue. The people asked why there was not a better bus service between Armadale and Fremantle, given that Armadale is lacking in facilities and the people who live there must access Fremantle for many health and educational activities. They said that they would consider putting on some new buses. I then asked how they would arrange bus routes that traversed a number of different independent contract areas. A senior Transperth staff member said that they had not worked that one out yet. They did not know how they would do that. This was after the contracts had been let. I would have thought that was a fundamental matter to sort out.

Another issue is that privatisation is often justified on the basis that entering into contracts gives greater flexibility. However, one has only to look at the detail of some of these contracts to know that is a load of waffle. The State is tied to arrangements in a far stricter way than when those services were offered under its own banner. A classic case is the maintenance painting contract at Royal Perth Hospital. That is a seven year contract with a six year option for extension. That contract did not require any capital investment by the company, and there is absolutely no reason that company should attract a contract of that length. When one investigates these issues more deeply and sees who are the beneficiaries, one wonders whether there is something more to it. Those issues will continue to be raised when, in subsequent years, we see who are the beneficiaries and how certain favoured people have had their positions advanced. Many of those companies are overseas companies and Eastern States companies that are making a profit out of the system and taking that money out of the State. In an enterprise where previously all the dollars that were spent stayed in the Western Australian economy, we see a slice of 15, 20, or 25 per cent of that expenditure in the form of profit being scooped off and taken out of the local economy.

I am surprised that rural members have not made more of the fact that the contracts are being awarded to large companies, as that is squeezing out areas of operation for many small companies. A raft of companies that had for years done work for the Building Management Authority were displaced when those very large companies were given the maintenance contracts for all government facilities: Serco Australia, a British based company; Brookes Maintenance Service, which apparently is a Buckeridge funded company; and the other is, I think, Transfield Construction Pty Ltd. The Opposition has been contacted by numerous firms that have been virtually put out of

business by that activity and have had to put off their apprentices. Privatisation has benefited the big companies, while many small companies are feeling the pinch.

Another aspect of privatisation that has been a problem in the private and public sectors is that it is becoming an increasingly discredited economic tool. It is increasingly being seen as a fad. Certainly in private companies, while the generally pattern seems to be that there is an increase in profitability for a year or two, after that there is a massive decline in profitability. Many reasons are advanced for this. The first, and a salient one, is the loss of skills and expertise in the downsizing process. Another reason is the loss of morale among those who have remained with the company and who realise that the company simply does not have any loyalty to them and consequently their loyalty to that company changes. It is also a fact that an enterprise that focuses so much on cost cutting does not expend enough of its corporate energy on its customers and on developing its product. Cost cutting is seen, after some of the initial improvements in profitability, to be a non-productive exercise.

I draw members' attention to a recent lengthy article in the *Bulletin* on polling that has been done of Australian workers, and the general insecurity and uncertainty that Australian workers now feel. That is largely a result of this downsizing phenomenon. I also entreat members to look closely at much of the material that is coming out of the United States on the effects on working people of this downsizing, and how the vast majority of workers, particularly blue collar workers, who are at the pointy end of a downsizing exercise, are re-engaged at a significantly lower salary, usually in the order of 15 to 20 per cent less than they were previously paid. We now see this increasing phenomenon in the United States of the working poor. Fundamentally this Government has taken the wrong direction. I hope that the more moderate and less ideologically driven of the members opposite will take some time after the election, and over the Christmas break, to read a little about the effects of these policies generally and to dwell upon the wisdom of their Government's direction.

Having said that, I have a couple of items of business that are of a less general nature that I will refer to tonight. As members know, in recent weeks I have referred to a number of instances of what the Opposition believes to be corrupt conduct within WorkSafe Western Australia. If I thought this was just a single isolated incident I would not be pursuing it with the vigour that I have. I do not want to reflect on every member of the construction division of WorkSafe Western Australia; however, I believe that there is a broader problem than this case immediately gives rise to. Many examples have been given to us, not all of which we are in a position at this stage to establish, and there is more than enough smoke to cause us very grave concern. Some of the features of this case and the attempts to cover up what has happened are very alarming. The members on the other side, in particular the Minister for Finance, have asked me for evidence. The assistant commissioner of crime within the Police Service has acknowledged the need for an independent investigation of the conduct of the fraud squad in its handling of this matter. We have had the totally implausible explanation about the alleged investigation by the fraud squad of this matter that no records were taken of interviews, and when we sought further records of the inquiry it was found that the file had mysteriously disappeared. The stories were becoming increasingly implausible when the officer who claimed he had made the investigation approached the complainant, after questions were raised in Parliament, and queried whether he wanted to follow up the matter. It was grossly improper and I am glad that aspect of the matter has been taken seriously, and there will be an independent investigation. I have a document in the form of a statutory declaration although I am not sure that it strictly complies with the required format.

Hon W.N. Stretch: As a lawyer you should know.

Hon A.J.G. MacTIERNAN: It is roughly in the form of a statutory declaration, but I have not checked its precise format. This statement has been signed by the complainant and his signature has been witnessed by a justice of the peace. It states -

I, Benjamin Nicholas JEA Kings of 14 Berle Way, High Wycombe, miner, state

1. Sometime shortly before the 9th of March 1995, I rang Graham Kierath, Labour Relations Minister, to report my concern that certain inspectors from the Department of Occupational Health and Safety were on the take. I told him about all the matters in paragraphs 4 to 9 inclusive in this statement. He listened to my story and told me I should ring the Building Industry Task Force and he gave me their number.

2. The next day I rang the Task Force and spoke to the boss of the unit. I explained the story to him and he said he would get the appropriate person to contact me. About an hour later I was contacted by Mr. Jim Zaknich who then came to interview me. He followed me up on numerous occasions to follow up and check different parts of my story. On 9 March 1995, I signed a statement that Mr Zaknich had prepared.

3. I gave Mr Zaknich all the information set out in paragraphs 4 to 9 inclusive below.

4. Sometime around September 1994, I was running a demolition firm and had just won my first commercial contract. I knew an inspector, who we called DOHSWA Bob, who had a reputation for making

things easy. I rang him at DOHNSWA and he said to come in and see him. When I did, he introduced me to Brian Tolmie and he said Brian would look after me. Brian and I then went over to Brian's desk and he asked me about the job. He then told me he could help me out if I paid him \$250.00 in cash. He said he would prepare the site survey and look after me on the job.

5. I agreed to pay the money requested by Mr TOLMIE. He prepared a site survey for me and had then authorised and stamped that survey on behalf of DOHNSWA. We never discussed the regulations or how I was going to pull the building down. The site survey was done just to satisfy DOHNSWA requirements. I agreed to pay the money because I didn't want any trouble with the job. By paying this money I would have Worksafe on my side.

6. About a week later Brian Tolmie visited me on site in East Perth. He took his hardhat off and asked me to slip the \$250.00 into it. He explained he didn't want anyone to see what was going on.

7. When I started the job, I could not afford the time to obey all the rules and red tape surrounding asbestos handling, so I backed in a truck and kicked down the asbestos ceiling.

8. A day or two later, a B.L.F. official, Mr Kim YOUNG, arrived on site and demanded that I stop work because of the condition of the site. I then got a phone call from Brian TOLMIE who told me that he and another DOHNSWA Inspector were on their way down and the Commissioner wanted to bust me because the asbestos complaint had been made by the B.L.F. He also told me that I should tell the inspector that street kids got into the site and smashed windows and kicked in asbestos sheets. I then told that story to the Inspector who came with Brian TOLMIE. I was told to clean the site and no charges were laid.

9. Brian Tolmie said to me not to leave messages on his mobile phone answering system because if he was not at work that day, someone else might hear the messages.

10. Some months later after I had made the complaint to the Task Force, I was called in to DOHNSWA by Senior Inspector KEOGH. I was then interviewed by Frank KEOGH and another person who I did not know. Frank KEOGH shows me photos of some of my jobs where the rules had been broken and told me that I could be prosecuted for quite a few offences. He then raised the issue of allegations I made against Brian TOLMIE. KEOGH was challenging the claims I made in the statement to Mr Jim ZAKNICH and tried to twist what I had said and implied that I had made it all up. I told Frank KEOGH that if he doubted my word to check the record of phone calls which Brian TOLMIE had made to me. This would confirm that Brian had been in constant contact with me and that he had called me after the complaint had been made by the B.L.F. against me, but before the Inspector had arrived on my site.

11. A week or two later I was contacted by Frank KEOGH who said he had something for me and to meet him at DOHNSWA. When I arrived he met me outside the building and handed me \$250.00 cash. I signed a receipt. I asked him if he had checked the phone calls and he said, "Yes". I never heard from him again.

12. About 28 October 1996, after this affair had been raised in Parliament, I rang Jim Zaknich and told him that I had no problem with the work that he had done on the case. Mr Zaknich told me that the Task Force would have liked to take the case further but their hands were tied.

13. At no time until approximately a week ago did the Fraud Squad contact me either in person or over the phone or in any other way concerning the statements that I had made to Mr ZAKNICH about Brian TOLMIE.

14. On or about the 29th of October, 1996 I was phoned by Detective CUBBAGE from the Fraud Squad. He told me he would like to talk to me regarding the statement I made to the Task Force. He then said, "You don't want anything to do with it, do you?" I told him he was wrong and that he didn't know what I wanted. I asked him if he was the officer that was supposed to do the original investigation and he replied, "Yes". I told him not to come to me now 18 months later to cover himself. I also told him he shouldn't tell the papers that he had interviewed me when he hadn't had the decency to even call me. He then said he had read the statement that I had made to the Task force and that I hadn't used the word "BRIBE" in the payment.

I think that last word should be "statement". It continues -

I told him that I would not speak to him because he had his chance 18 months ago.

I declare that this statement is true and correct to the best of my knowledge and belief.

Declared in accordance with the provisions of the Evidence Act 1906 on 6 November 1996 at Perth, Western Australia.

It is signed by Ben Jeakings. That is evidence and nothing in this statement is self-serving. One might argue that Mr Jeakings has incriminated himself in making that statement. Without going into this matter too deeply, it is clear that the inspector who took the \$250 is not the only person involved in some way in this whole process of cover-up. I suggest to the Minister for Finance, who may have to deal with this matter in future, that he should note that the statement he made to the Parliament contained no reference whatsoever to the involvement of Senior Inspector Frank Keogh in this matter. The whole involvement of Keogh and the fact that he called in Mr Jeakings, showed him areas where Mr Jeakings had been in the wrong, raised the spectre of prosecution and suggested he might like to change his story on the allegations about Tolmie, is cause for great concern. I do not expect the Minister wrote the statement himself, and I ask him to query with the persons who prepared the speech why no reference is made to the involvement of Senior Inspector Keogh in that whole report. The Opposition is concerned that factors such as that indicate deeper involvement of WorkSafe in this matter. Numerous other allegations have been made from a wide variety of sources about various WorkSafe inspectors. I am not proposing to name any inspectors in relation to those matters, but there are some quite detailed instances where some substantial property has been acquired by inspectors from demolition contractors.

Also, a very alarming story has arisen about an officer who was prepared to launch a prosecution against a major building company only to find that as the matter was about to go to trial, the photographic evidence suddenly disappeared from the file. It returned to the file precisely one year later when it was no longer possible to conduct the prosecution.

Another small incident we raised earlier this week involved a man going to WorkSafe as a result of his concerns about safety in his place of work. He was unable to obtain a response from his employer on the matter. The WorkSafe inspector contacted the employer and told him about the allegation and gave him some time to fix the matters before the inspector went down to the site. That is a very bizarre way of dealing with a problem. It cost this gentleman his job, a matter which will obviously be a matter of litigation. Again, it might be an area about which we see some emerging embarrassment for the department.

Having commented about members on the other side, largely very positively I hope, other than for their policies, I must say that I have really enjoyed my time in the Legislative Council with my colleagues on this side of the House. We are a very close team. We have our differences, obviously, from time to time as we come from a variety of factions within our party. The Labor Party recognises factions and does not pretend that they do not exist. Notwithstanding that, there has been a great deal of camaraderie.

The DEPUTY PRESIDENT (Hon Barry House): Order! I am sorry to interrupt, but eating is prohibited in the Chamber. I must draw that to the attention of members.

Hon A.J.G. MacTIERNAN: I would like very much to thank each and every one of my Labor Party colleagues in this place for the good times we have had together in a spirit of camaraderie. I told them earlier that I did not expect them to be here tonight to listen to this diatribe.

I now refer to a former colleague, Hon Tom Butler, who has retired from Parliament. He was a great colleague. One day I hope we will see Tom return to the Australian Labor Party. He was a very great advocate for working people. I can understand his hurt over an incident and his personal loyalties. However, he has contributed greatly to the Labor Party and we feel his loss very keenly.

I know it is often thought by people in this place that perhaps the relationships between the President and me is not necessarily all that cordial. I do not see it like that. I will not comment on the wisdom of the decision the President made to toss me out of the Parliament that day, but other than for that error, and a couple of days where obviously he was not feeling the best, I have very much admired the work of the President. He has been an impartial chair of proceedings in this place.

I must also thank Ian Allnutt, Stuart Kay, Malcolm Peacock, Jason Skinner and all the staff of this Chamber who have given us great service. Of course, the Clerk of the Legislative Council has been a source of much advice, and also the source of quite a number of arguments and discussions on a wide range of topics, not at all of them parliamentary. I have found that to be a very interesting experience.

We can make the Legislative Council something a little more meaningful. My colleagues who survive me in this place, such as Hon Kim Chance, Hon Tom Stephens, Hon John Cowdell, and Hon John Halden in particular, have a great interest in reforming this place. I understand that some members opposite feel strongly about this subject as well. The Council should not remain, as it often is, the other end of a legislative sausage machine, and it can be very much improved so that the activity of its members has real content.

We will always need the opportunity to be very political - that is what we do - as we must attempt to engage in public debate on issues. I do not, Hon Iain MacLean, feel any shame at all about being political, as that is part of my job. I take great exception to the suggestion made that somehow or other I and my colleagues are not in this place for the right reasons. We are in this place for the same reason as the majority of members opposite; namely, we have a vision about how our community should work, about what is important and about how these goals should be achieved. As a result of my background - with which I will not bore members - I have a very strong commitment to the situation of ordinary Australian working people and to many minority groups, particularly Aboriginal people, although that is not a fashionable position to adopt these days. I would not perform a job that was this hard, and which demanded this much sacrifice, unless I believed in it. Many other more pleasant ways of spending one's life exist than doing the hard yakka involved in political life. I have appreciated my time in the Legislative Council.

HON B.M. SCOTT (South Metropolitan) [10.39 pm]: In speaking briefly on the appropriation Bill, I firstly pay tribute to the retiring members of this House. Some are leaving of their own will, and others are not. Hon Val Ferguson is leaving this House. I am pleased that the Labor Party has chosen a woman to replace her, but I am sorry to see Val go. I wish Hon Alannah MacTiernan well in her new pursuits in the other House. I share her sentiment that we have worked very well together on committees, not only cordially but also very cooperatively. I have appreciated that approach to our work.

Hon Doug Wenn, Hon Graham Edwards and Hon Sam Piantadosi are all leaving and I wish each of them all the very best in their future pursuits. Hon Graham Edwards has been particularly friendly and cordial to me since I first arrived in this place. My first association with him was when he was the Minister for Sport and Recreation. I first met him when I was involved in the freedom of the river program for rowing for the disabled. I have always admired his strength of character and his dedication and commitment in this Parliament. I wish Hon Iain MacLean all the very best in his pursuits. I had an association with him long before he came into this House. He has a great commitment and dedication to his work. Hon Phil Lockyer has provided not just charm, but humour in this place. I have appreciated his presence, and I am sure I will miss it, particularly around Christmas time when he seems to be able to play tricks on everybody.

As previous speakers have said, the deliberations of Hon Clive Griffiths, as President, cannot be questioned. I have admired his astuteness in that role. I have worked with him in the South Metropolitan Region and he has had much to teach those of us who came into politics much later than he did. I wish all retiring members all the very best in whatever endeavours they wish to pursue in the future; I know some of them do not wish to be described as retirees. I am sure people who have led a life in politics do not really retire; they will always find something of interest to do.

Hon Sam Piantadosi: Life is just beginning.

Hon B.M. SCOTT: It is said that life is a journey, not a destination. That is a good way of looking at life after politics.

Given that we are nearing the end of the year and approaching an election, the date of which nobody knows, I will spend a few moments this evening outlining an area in which I have a particular interest; that is, the management of young offenders by this Government. Although we have been criticised about this issue many times, I feel we need to pay some tribute to the coalition for the juvenile justice system that has been put in place. Over the past four years since coming into government, the coalition has thoroughly investigated and restructured the juvenile justice system. Its tough, but fair, approach has been anything but soft.

The first thing the Government did when it came to power was to take the juvenile justice portfolio out of the welfare area and place it within the Ministry of Justice. The previous welfare strategy was replaced with an approach based on the premise that young offenders must first accept responsibility for their crimes before consideration is given to their social circumstances. The focus of this Government's approach to juvenile crime is for young offenders to take responsibility for their actions and to repay the community in an attempt to reduce the incidence of re-offending.

This strategy was formalised in law with the 1994 Young Offenders Act, which introduced juvenile justice teams across Western Australia. I have had some first-hand experience with those teams and I have great admiration for the way in which they work with young people and their families, bringing them together with the police and the victims and enabling all parties to work in an informal manner on a resolution, and to agree upon an appropriate penalty. When I first heard about these teams, I thought a soft approach was being taken. However, having witnessed and experienced the effect of these teams, I now hold the view that it has been a very good initiative. To bring young people together with their victims and the police and their parents, to have them face up to their crime and, perhaps, to insist on an apology or to agree to pay damages for stolen goods or to perform community work is a realistic way of their facing up to the responsibility for their actions.

There has also been some criticism that this approach was a soft option for first offenders; however, it has been shown that, typically, first offenders often went to court, and when some no longer found the court process confronting, the system became ineffective. Often young offenders then became repeat offenders and ended up in gaols. Most of us know that for young people prisons do not work. The juvenile justice teams that have been established throughout the metropolitan area and the country have proved there is a successful alternative. That has been evidenced by the drop in the crime rate since this Government came to office: The number of charges heard in the Children's Court has fallen by 22 per cent and the number of juveniles sentenced to gaol has fallen by 30 per cent.

There is a strong message that young people need to understand: There is an accountability aspect in this legislative change. The provisions in the Young Offenders Act enable the Children's Court to make orders that require offenders, and where appropriate their parents, to participate in behavioural programs. Parents may also face the court and a financial liability which may be harsh on some of them, but we must start somewhere. If families can reconsider that aspect of responsibility and compensation, it is a good place to start.

The controversial subject of juvenile parole has been criticised for a long time as being too lenient. The young offenders legislation has implemented the system of supervised release. This means that where juveniles are released, they are required to complete half their sentence in detention and the other half in the community with firm supervision. I guess the point of the legislation is to strike some balance. The degree of supervision varies in each case. It may involve a juvenile checking in at certain times each day with the Ministry of Justice or performing community work. If the offender does the right thing and adheres to the conditions of supervised release over several months, supervision may be relaxed; however, if the juvenile fails to do the right thing, he or she will face further penalties and risk detention.

Some other ways in which the Government has tightened the reins on criminal offending by young people include special court orders. The court is able to impose an additional 18 months of automatic sentence for serious and repeat offenders, including those charged with armed robbery and serious assault. Improvements have also been made to the Bail Act. Juveniles under 17 years of age are no longer granted bail without a written undertaking by a responsible adult. A supervised bail program has been developed as an alternative to remand in detention. It allows the Ministry of Justice to supervise young offenders who do not have a responsible adult to provide bail. While on bail, a family liaison or bail coordinator checks to ensure the juvenile is behaving in accordance with the conditions set. We found that, although parents were brought to task and made to be responsible, some young people just did not have a responsible adult to whom they could turn, so a responsible adult had to be found for them.

Many members will be aware that the work camp at Laverton that was initiated by the Government last year was a pilot program. It was developed with good intent. At the time of its initiation the community was outraged by the increase in car theft and associated deaths on the road. The purpose of the work camp was to try new ways of keeping first time offenders from schools of crime where they tended to mix with repeat offenders. Judge Kingsley Newman was asked to review the pilot program at camp Kurli Murri, and I took the time and effort to make a detailed submission to Judge Newman, and I spoke to him on a number of occasions. His findings were quite interesting and substantial. He reviewed the programs that were in place around Perth and said that there were a number of good programs but they needed to be better resourced. One of the problems with camp Kurli Murri was that it was difficult to find first offenders who had committed a serious enough crime to make them eligible for camp Kurli Murri, and because of its remoteness it was a long way from family support and other community resources.

Judge Newman found that camp Kurli Murri should be recognised as a serious attempt by this Government to protect the public and provide a better system for keeping young people from a lifetime behind bars. The Minister for Justice, Hon Kevin Minson, has indicated that camp Kurli Murri as a pilot program was subject to review and was just one part of this Government's overall strategy to reduce juvenile offending. However, the Government is not ruling out the concept of work camps completely. It accepts the finding in Judge Kingsley Newman's report that their role in the system needs to be re-examined to make them more effective, and that mobile work camps are a potentially useful way for offenders to repay the community. Where groups of juveniles or adult prisoners can be put to work in a range of community projects, both short term and long term, such as conservation and land management, and development programs like the Bibbulmun track, they provide a tangible community service and are given a sense of satisfaction.

The future direction that this Government intends to take, and that is recommended in the Newman report, is to replace camp Kurli Murri with a city based intensive treatment centre for juveniles facing their first period in custody. That will provide an alternative to the revolving door of crime. Offenders will attend the program as day visitors and, therefore, will not be excluded from family or peer support. Similarly, an intensive supervision centre for persistent young offenders is being developed. Justice Ministry research indicates that the period immediately after release from prison is a high risk time for reoffending, which is probably a natural conclusion; young offenders who are released with no support will attempt to go back into that reoffending cycle. The intensive supervision centre will

ensure that hard-core offenders are strictly supervised on release, and it will continue programs commenced in detention, such as work experience, community work and education. Paroled offenders who fail to attend the centre will be returned to detention.

Another of the coalition Government's achievements in this area is the construction of the Banksia Hill detention centre at Canning Vale, which is due for completion in mid-1997. One of the major factors in acknowledging what this Government has done in its management of juvenile justice and crime is to put it into perspective and look at the vast majority of young Western Australians who never come before the courts or break the law and are fine and upstanding citizens. All of us in this House would do well to acknowledge as often as we can the outstanding work, commitment and responsibility that most of our young people display. The number of repeat offenders constitutes only a very small group of people. In reality, approximately 200 youths are responsible for most of the crime, and only about 70 young people are in detention at any one time. Our key goal is to identify as early as possible those young people who are most likely to become repeat offenders, and, once targeted, resources will be diverted in that direction from the beginning and not at the end when they are facing charges or detention and a very socially and economically costly outcome.

This Government needs to be congratulated for both its long term and short term approach to managing juvenile offending. I have outlined its short term approach. Its long term approach can certainly be encapsulated in the programs that have been initiated under Family and Children's Services, particularly those on managing teenagers and parenting, and also the early childhood education programs. As we are told by experts around the world, prisons do not work, so we must start at an early age and encourage our young parents to have better parenting skills and our young people to accept responsibility and to expect to be punished for their misdeeds. Any society that takes a compassionate and both short term and long term view of these problems can be commended. Therefore, I commend the Government on its programs in this area and I am sure they will result in a diversion from juvenile offending and put many of these young people on the track of success rather than failure.

HON M.D. NIXON (Agricultural) [10.57 pm]: As the session draws to a close I would like to support the Bill and in particular take this opportunity to add my best wishes to those members who are leaving this House. I mention in particular Hon Graham Edwards. Hon Graham Edwards was leader in the House when I came into this place. He is a very popular member of Parliament. When we think about Hon Graham Edwards, we think of someone who has made a tremendous contribution not only as a parliamentarian but also as a returned soldier. All Australians owe a special vote of thanks to all returned soldiers, but Hon Graham Edwards deserves a special vote of thanks because not only did Hon Graham Edwards pay a pretty high price for the war that he fought in, but also it was an unpopular war.

Hon P.R. Lightfoot: Hear, hear!

Hon M.D. NIXON: Another member who is leaving this place is Hon Sam Piantadosi, who is in the House this evening. I can understand why Hon Sam Piantadosi is particularly disappointed, and he has expressed some of that disappointment tonight, because he represents one of the real Labor Party people - someone who has been involved in the union movement and has represented workers all his life - and I wish him all the best in whatever his future may hold.

It is not surprising that Hon Doug Wenn is in this place because not only is he a Labor Party stalwart from way back but also he is a taxi driver. I am surprised there are not more taxi drivers in Parliament, because taxi drivers always know all about politics, so it was probably only natural that Hon Doug Wenn turned up in this House.

While Hon Val Ferguson has not been here the full term, she is one of those party people, and I have a tremendous amount of respect for people who perform as electorate officers and work in the party system because I know they make the whole political system work. I give particular thanks to Hon Val Ferguson and wish her all the best.

The last of the Labor Party people I will mention is Hon Alannah MacTiernan, who has recently given an address. I indicate how much I have enjoyed working with Hon Alannah MacTiernan. She has certainly earned the title of an honourable member in this House and she has been very honourable in all the associations I have had with her on the committee that Hon Barbara Scott and I shared with her. I wish Alannah all the best and I am sure that she has a great future in the House to which she is moving.

Hon Phil Lockyer is an ex-stocky. It is not surprising that a stocky would be in the Parliament either. Phil has been able to represent the enormous Mining and Pastoral Region with his particular type of representation.

I will mention a couple of people who are not here. One is Tom Butler, who made a tremendous contribution on the other side of the House. When I came into this place the late Bob Pike was a member in this House. Everybody in this House is special, but Bob was special because he was a great character. I shared an office with Bob. When he passed on I was pleased to share it with Hon Iain MacLean. Iain is also somebody who has made a contribution in

the time he has been here. Iain works extremely hard and is conscientious. I am sure that the future will be good for Iain and I wish him all the best in the seat of Wanneroo. I am sure he will be successful.

Last, and certainly not least, is you, Mr President. You have made a unique contribution to not only this House, but the whole parliamentary system. One would be hard put to find anybody who had made a greater contribution to parliamentary democracy than Mr President. He is not only the longest serving Liberal Party politician in Australia, probably the second longest serving politician in Australia, and the longest serving Presiding Officer in the Westminster system, but also he was President of the Commonwealth Parliamentary Association. I did not know Mr President well until I came into this House. I realise that he has made a tremendous contribution because he has not only attended meetings throughout the world, but also made a great contribution to the holding of elections and the conducting of Parliaments in newly emerging Westminster systems that have benefited from his advice. To you, Mr President, I extend my very best wishes for your future. I believe you will make as great a contribution in your new position as you have in this House.

I have enjoyed working with all the members in this House in this term. I look forward to working with those who are returning next year and I extend my best wishes for those who are leaving.

Debate adjourned, on motion by Hon B.K. Donaldson.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 12 November 1996 at 2.30 pm.

House adjourned at 11.03 pm.

QUESTIONS ON NOTICE

WESTRAIL - LOCOMOTIVE ENGINEERING CREW REFORM, MERREDIN AREA

802. Hon KIM CHANCE to the Minister for Transport:

When is it expected that full implementation of the locomotive engineering crew reform process and the shunting rationale for the Merredin area will be achieved?

Hon E.J. CHARLTON replied:

The locomotive crew reform is expected to be fully implemented by the end of December 1996. It is anticipated that the shunting rationale will be introduced at Merredin by the end of November 1996.

ROADS - NORTHAMPTON-HORROCKS BEACH FLOODING PROBLEM

856. Hon KIM CHANCE to the Minister for Transport:

- (1) Is the Minister aware that the Northampton-Horrocks Beach Road is frequently impassable due to flooding of the Bowes River crossing and that on one occasion in August this year the crossing was impassable for eight consecutive days?
- (2) If so, will the Minister call for an urgent commitment to increase the culvert capacity and to clear debris from the crossing area to enable more reliable use of this road and to prevent undue isolation of the Horrocks community?

Hon E.J. CHARLTON replied:

- (1)-(2) Three sections of the Northampton-Horrocks Beach Road are subject to flooding. The only viable option to address this problem is to construct an alternative access to Horrocks from Port Gregory Road on an alignment not prone to flooding. This proposed road has wide local support and has subsequently been included as part of the current Port Gregory-Kalbarri project. Construction of the section to Horrocks will be undertaken when the other sections of the project have been completed. In the interim, I am told that the Shire of Northampton intends to construct an access track along the proposed alignment before next winter to ensure that Horrocks is not isolated for extended periods.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS TRAVEL DEMAND MANAGEMENT", PRINTER; COST

879. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Travel Demand Management, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1) B & S Printing Company.
- (2) Although the final figure is not available, the cost for 1 000 copies of each of nine documents produced is expected to be \$108 000.
- (3) Approximately \$265.
- (4) Local governments, members of State Parliament, transport and industry groups, state government agencies, customer service councils, libraries in Western Australia and interstate road authorities.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ROAD FREIGHT", PRINTER; COST

880. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Road Freight, September 1996"?

- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ROAD NETWORK DEVELOPMENT - METROPOLITAN", PRINTER; COST

881. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Road Network Development - Metropolitan, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ENVIRONMENTAL MANAGEMENT", PRINTER; COST

882. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Environmental Management, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS PEDESTRIANS AND CYCLISTS", PRINTER; COST

883. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Pedestrians and Cyclists, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ROAD MAINTENANCE", PRINTER; COST

884. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Road Maintenance, September 1996"?
- (2) What was the total cost of the document?

- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ROAD SAFETY"

885. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Road Safety, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS ROAD NETWORK DEVELOPMENT - RURAL", PRINTER; COST

886. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Road Network Development - Rural, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

MAIN ROADS WESTERN AUSTRALIA - "ISSUES AND DIRECTIONS TRAFFIC MANAGEMENT", PRINTER; COST

887. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Who printed the Main Roads Western Australia document "Issues and Directions Traffic Management, September 1996"?
- (2) What was the total cost of the document?
- (3) What was the cost of the distribution of the document?
- (4) To whom was the document distributed?

Hon E.J. CHARLTON replied:

- (1)-(4) I refer the member to the answer given to question on notice 879 of 17 October 1996.

WESTRAIL - WQTY CLASS CONTAINER WAGONS, LEASE

912. Hon BOB THOMAS to the Minister for Transport:

With regard to the WQTY class container wagons -

- (1) Who are these wagons leased to?
- (2) When were they leased?
- (3) What are the terms of the lease including maintenance provision?

Hon E.J. CHARLTON replied:

- (1) TNT Australia Pty Ltd.
- (2) The lease commenced in June 1996.
- (3) The wagons are leased to the company for a two year period, during which the company is responsible for all maintenance requirements.

WESTRAIL - FORRESTFIELD DEPOT, CLOSURE

913. Hon BOB THOMAS to the Minister for Transport:

- (1) Has the Westrail rolling stock depot at Forrestfield been closed?
- (2) If so, on what date did the depot close?
- (3) If closed, where will rolling stock repairs be carried out in the future?
- (4) If contracted out, which firms are now carrying out this work and at what locations?
- (5) Which portions of the Forrestfield depot have been leased out and to whom are they leased?
- (6) What income will Westrail receive from these leases?

Hon E.J. CHARLTON replied:

- (1)-(2) The Forrestfield wagon depot closed on 29 March 1996.
- (3) Repairs will be carried out at the Forrestfield locomotive depot.
- (4) The majority of the work is carried out by Clyde Engineering at the Forrestfield locomotive depot. Urgent work is occasionally carried out by Gemco at the Forrestfield marshalling yard or Forrestfield carriage sheds.
- (5) None.
- (6) Not applicable.

WESTRAIL - FORRESTFIELD MARSHALLING YARD, SUBDIVISION

914. Hon BOB THOMAS to the Minister for Transport:

- (1) What plans does the Government have to freehold and sell parts of the Forrestfield marshalling yard?
- (2) Has this subdivision already occurred?
- (3) Have any lots been sold?
- (4) If yes, what price was received for each lot?
- (5) What types of industry were involved in the purchase of the lots?
- (6) What proportion of the marshalling yards will be retained for future freight operations?

Hon E.J. CHARLTON replied:

- (1) Westrail is undertaking a land rationalisation program to dispose of surplus land. Proceeds from the sale of land will be used to retire Westrail debt. Surplus land at Westrail's Forrestfield complex is included in this program.
- (2) No.
- (3)-(4) A lot will be transferred to Cooperative Bulk Handling Ltd as part of a compensation package for the surrender of a lease that organisation holds at North Fremantle. Joe White Maltings Ltd is contracted to purchase a lot for the sum of \$1 461 500.
- (5) The Cooperative Bulk Handling Ltd lot will be used for grain storage and the Joe White Maltings Ltd lot will be used for the production of malt.
- (6) Approximately 41.5 hectares.

WESTRAIL - LOCOMOTIVE K210, HIRED OUT TO NRC TO HAUL TRAIN 2PN3 STEEL LINK FROM MERREDIN TO WEST KALGOORLIE

915. Hon BOB THOMAS to the Minister for Transport:

- (1) Did Westrail hire out locomotive K210 to NRC on 17 June 1996 to haul train 2PN3 Steel Link from Merredin to West Kalgoorlie?
- (2) What amount was charged for the hire of this locomotive?
- (3) Is it correct that it took the train about four hours to negotiate the West Merredin to Koolyanobbing section?
- (4) Were speed restrictions as low as 18 kph the cause of the delay?
- (5) Do these restrictions still exist?
- (6) What were the other factors in the delay?
- (7) What is the timetable for repairs to the areas of the track in which speed restrictions apply?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) This information is confidential between Westrail and NRC.
- (3) Yes.
- (4) No.
- (5) There are no speed restrictions as low as 18 kph in force on the West Merredin-Koolyanobbing section of railway.
- (6) Speed restrictions were not the cause of the delay. The K class locomotive, which was the only locomotive available, was insufficiently powered to haul the train at normal track speed. Both Westrail and NRC were aware of this situation when the decision to use the locomotive was made.
- (7) Westrail has a progressive maintenance program aimed at lifting all current speed restrictions between West Merredin and Koolyanobbing by April 1997.

WESTRAIL - SAFE WORKING PROCEDURES

916. Hon BOB THOMAS to the Minister for Transport:

What safe working procedures has Westrail introduced to allow crews and locomotives from other networks to perform shunting operations on Perth's suburban electric network?

Hon E.J. CHARLTON replied:

None. Westrail's normal safe working procedures apply.

WESTRAIL - HEAVY PRIME MOVERS FOR ROAD/RAIL OPERATIONS PURCHASE

917. Hon BOB THOMAS to the Minister for Transport:

- (1) Is Westrail negotiating with, or has it entered into a joint arrangement with, Queensland Rail to purchase heavy prime movers for road/rail operations similar to a unit introduced on V Line known as road transferable locomotives?
- (2) In which areas is it envisaged these units will operate in Western Australia?
- (3) What is the maximum tonnage the unit will be capable of carrying when used on the rail network?
- (4) Have safe working procedures been prepared for these units and what are they?
- (5) How will these units shunt at country stations?
- (6) How many Westrail staff are required to operate these units?

Hon E.J. CHARLTON replied:

- (1) Yes.

- (2) Westrail's narrow gauge freight network.
- (3) Around 600 tonnes.
- (4) The unit will operate under existing safe working procedures.
- (5) The unit will carry out shunting operations in a manner similar to those carried out by locomotives.
- (6) It is anticipated that the unit will perform a range of rail transport tasks. The number of staff required to operate the unit will be determined by each particular task it is required to undertake.

WESTRAIL - ALBANY DEPOT LOCOMOTIVE SHED, LEASE

918. Hon BOB THOMAS to the Minister for Transport:

- (1) Has the Albany Westrail depot locomotive shed been leased to a private contractor?
- (2) What is the name of the lessee?
- (3) What purpose will the lessee use the shed for?

Hon E.J. CHARLTON replied:

- (1) No.
- (2)-(3) Not applicable.

WESTRAIL - FORRESTFIELD SUBDIVISION, ADDITIONAL TRANSPORT AND NOISE ISSUES

919. Hon BOB THOMAS to the Minister for Transport:

With regard to Westrail's Forrestfield subdivision -

- (1) What measures will Westrail take to ensure that nearby residents are not inconvenienced by additional road transport as a result of new businesses moving into the subdivision?
- (2) Will sound barriers be constructed?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) Westrail has not yet applied to subdivide the land. The Minister for Planning agreed in September 1996 to initiate rezoning of the land to general industrial use. Conditions relating to roads and noise issues will be determined during the rezoning and subdivision approval process.

WESTRAIL - OUTSOURCING LOCOMOTIVE AND ROLLING STOCK MAINTENANCE, CONTRACT WITH CLYDE ENGINEERING

920. Hon BOB THOMAS to the Minister for Transport:

- (1) Has Westrail signed an agreement or entered into a contract with Clyde Engineering for the outsourcing of locomotive and rolling stock maintenance?
- (2) When was this agreement signed?
- (3) How much of Westrail's rolling stock and locomotives will be covered by this contract or agreement?
- (4) What are the terms of this agreement?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) 18 June 1996.
- (3) The agreement covers maintenance of all Westrail's wagons and locomotives on a non-exclusive basis.
- (4) The commercial aspects of the agreement are subject to a confidentiality clause; however, I can advise that the term of the agreement is 18 months which may be extended to a maximum of two years.

WESTRAIL - FORRESTFIELD NEW CBH COMPLEX, GRAIN DUST PROBLEMS

921. Hon BOB THOMAS to the Minister for Transport:

- (1) Is the Minister aware of concerns by Forrestfield residents about grain dust problems emanating from the new CBH complex on Westrail land?
- (2) What action will be taken to minimise this problem?
- (3) What regard was given to the effect of the dust on residents in adjacent properties when approval was given to allow this facility to be built at this particular site?
- (4) How were local residents consulted about this development?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) CBH is required to comply with conditions set by the Department of Environmental Protection and Ministry for Planning as part of the development approval.
- (3) All statutory requirements have been met by the proponent. If the member requires more information I suggest he direct a question to my colleague, the Minister for the Environment.
- (4) Westrail included information about the CBH development in its liaison with the Shire of Kalamunda and local resident groups. CBH carried out its own consultation program.

WESTRAIL - DRIVERS TO WORK ON KOOLYANOBING-ESPERANCE ORE TRAINS,
APPOINTMENTS

922. Hon BOB THOMAS to the Minister for Transport:

- (1) Did Westrail advertise Australia-wide for drivers to work on the Koolyanobbing to Esperance ore trains?
- (2) How many positions were advertised?
- (3) How many applications were received?
- (4) How many drives were appointed, and from which States were they recruited?
- (5) Are the drivers employed by Westrail or Portman Mining?

Hon E.J. CHARLTON replied:

- (1) Westrail invited applications for the positions of Locomotive Operator Kalgoorlie. Appointees to the positions are required to work all trains operating in and out of the Kalgoorlie depot.
- (2) 10.
- (3) 29.
- (4) Five. All were recruited from Western Australia.
- (5) Westrail.

TAXI INDUSTRY - DRIVING LICENCES, CRIMINAL RECORDS CHECKS

926. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it normal practice to check the criminal records of people applying for taxi driving licences, including overseas convictions?
- (2) Has the department given taxi driving licences to anyone with criminal convictions, including overseas convictions?
- (3) If so, on what basis were these licences given?

Hon E.J. CHARLTON replied:

- (1)-(3) The Police Service has given the Department of Transport access to traffic and criminal records. The checking of international records is more complex and requires specific information. Every effort is made to check for convictions. Some taxi drivers who have convictions do hold licences. The Department of

Transport and the Police Service are in constant liaison to determine the severity of convictions and appropriateness of the applicant to be in the taxi industry.

EXMOUTH MARINA - CIVCON PTY LTD; THIESS CONTRACTORS

927. Hon TOM STEPHENS to the Minister for Transport:

Further to question without notice 934 regarding the Exmouth marina project -

- (1) Is the Minister aware that Civcon Pty Ltd applied for permission to extend their quarry boundaries in March 1996, two weeks after they commenced quarrying operations, and that Peter Borehan, an engineer with the Department of Transport, argued that an extension was not necessary and that adequate rock was available from the original quarry site?
- (2) Is it correct that approval to extend the quarry boundaries was not given by the Environmental Protection Authority until early September 1996, some two weeks after Civcon stopped work on the project on 20 August 1996?
- (3) Is the Minister aware that Thiess Contractors are currently taking two-thirds of its rock requirements, and almost all of its armour rock from an area which is outside the boundaries of the original quarry?
- (4) Was restricting Civcon to the boundaries of the original quarry site the prime reason for its getting into financial difficulties and for the work finally stopping on 20 August 1996?

Hon E.J. CHARLTON replied:

The issues raised by Hon Tom Stephens MLC concern the Department of Transport's contract E150 for the Exmouth boat harbour breakwater construction and harbour basin and channel excavation. These issues relate to a series of disputes that have arisen between the contractor (Civcon Pty Ltd) and the department in relation to administration of the contract. In my capacity as principal for the contract, I have addressed these issues in accordance with the proper contract resolution procedures which form part of the contract. The issues in dispute are currently being considered by an independent commercial arbitrator who has been appointed by agreement between the parties to determine these matters. Until these issues in dispute have been fully dealt with by the arbitrator, it would be inappropriate for me to disclose any information that could prejudice the impartial adjudication of these matters. On completion of the arbitration proceedings, I would be happy to provide the information that has been requested.

ADVERTISING - NON-CAMPAIGN, EXPENDITURE

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

- (1) Does the Leader of the House, representing the Premier, now have the answer to the question I asked regarding non-campaigning advertising?
- (2) If so, will the Leader of the House now provide an answer?

The question was: Further to question without notice 965, what was the amount spent on non-campaign advertising for the -

- (a) 1993-94;
- (b) 1994-95; and
- (c) 1995-96,

financial years?

Hon N.F. MOORE replied:

- (a) \$5.625m.
- (b) \$8.239m.
- (c) \$9.920m.

Note: The increased expenditure between 1994-95 and 1995-96 included a number of extraordinary items, such as advertising by the Departments of Land Administration and Minerals and Energy required due to native title claims, Police Department recruitment and increased advertising by Main Roads to advise of traffic changes due to major expenditure to improve the quality of our roads. When these abnormal items are taken

into account along with media inflation for the year, the actual increase in activity in non-campaign advertising for that period was approximately 2.9 per cent.

ABORIGINES - INDIGENOUS MORTALITY RATES

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

According to a report on indigenous mortality rates released on 23 October by the Australian Bureau of Statistics and the Australian Institute of Health and Welfare, for the period between 1992 and 1994 indigenous women were four times more likely to die at any given age than Australians as a whole, while indigenous men were 3.6 times more likely to die. This report also indicated that indigenous women were 17 times more likely to be murdered, and indigenous men 15 times. What urgent steps will the Court Government take to respond to this obvious and ongoing crisis that is evidenced by these tragically high rates of indigenous mortality?

Hon N.F. MOORE replied:

Referring to the health aspects raised in the question, through the Office of Aboriginal Health work is being undertaken to develop culturally appropriate Aboriginal specific programs in areas such as child and maternal health, women's and men's health and substance abuse. In addition, a framework for the implementation of appropriate community strategies for women's and men's sexual health programs, which will focus on sexual health behaviours, informed consent, domestic violence, and child and sexual abuse, is being developed.

In relation to indigenous homicide, the State Government is implementing a statewide response to domestic violence. In its 1996-97 Budget, the State Government allocated \$900 000 to the Domestic Violence Prevention Unit for the development of regional plans to address domestic violence, Aboriginal community initiatives and community education. The participation of Aboriginal people has been actively promoted in the development of regional plans, and through the appointment of an Aboriginal liaison officer at the DVPU. Alcohol related harm is being examined and addressed through interagency cooperation and community initiatives. These include amendments to the Liquor Licensing Act and Aboriginal community involvement in decisions relating to the availability of alcohol in communities. Indigenous homicide is also being addressed through the establishment of regular police patrols in remote Aboriginal communities.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE - JEAOKINGS, BEN, INTERVIEW

1140. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Police:

- (1) Does the Attorney General now have the answer to the question I asked regarding Ben Jeakings?
- (2) If so, will the Attorney now provide that answer?

For the Attorney's benefit, the question was -

- (1) If no notes were recorded of the interview that Senior Detective Cubbage allegedly had with Mr Ben Jeakings some time in March 1995, what evidence is there that such an interview took place?
- (2) Is it acceptable practice for a police officer investigating a complaint not to record any details of his interview with the complainant?
- (3) Why cannot Senior Detective Cubbage indicate on which day the alleged interview with Mr Jeakings took place?
- (4) Why did Senior Detective Cubbage ring Ben Jeakings last week after inquiries were made in Parliament about the fraud squad investigation?
- (5) Did Mr Jeakings tell Senior Detective Cubbage during that telephone interview that he was concerned that Cubbage was now trying to cover up for his failure to make any contact with him during the 1995 investigation and that he, Mr Jeakings, was not prepared to cover for him?
- (6) Will the Minister for Police or the Commissioner of Police order an independent report on the fraud squad's alleged investigation of Mr Jeakings' complaints?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Luckily, I checked both the piece of paper on the front of my file and inside the file because the paper outside the file gave the answer of no.

(1)-(2) Yes.

The answer to question without notice 1118 is as follows -

(1)-(2) There is no formal record of this particular telephone call; the information is based on the personal recollection of Senior Detective Cubbage

Hon A.J.G. MacTiernan: What an incredible memory!

Hon PETER FOSS: There was a comprehensive inquiry file which was finalised by Senior Detective Cubbage at the completion of his inquiries. However, the police advise that this file cannot be located at this time. The file may contain a running sheet which could show the exact dates of contact between Senior Detective Cubbage and Mr Jeakings. However, in its absence only a general answer, as provided, is available. Generally, police record significant contact with complainants.

(3) I refer to the answer to (1).

(4) It was due to the apparent inconsistency between Mr Jeakings' written statement to the WA Building and Construction Industry Task Force and the comments attributed to him by the member.

(5) Yes, this was implied by Mr Jeakings. However, as has been indicated to the member in previous answers, the police did interview him by telephone.

(6) The assistant commissioner, crime operations, has instigated an independent investigation into the adequacy and completeness of the fraud squad's investigation of this incident. The Minister will be seeking a full briefing and explanation when this independent investigation has been completed.

FISHERIES DEPARTMENT - NORTHERN DEMERSAL FISHERY, STEVEN REILLY CASE

1141. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

(1) Does the Minister now have the answer to the question I asked yesterday regarding Mr Reilly?

(2) If so, will the Minister now provide that answer?

For the Minister's benefit, the question related to why Mr Reilly had not been granted at least provisional access to the fishery, and why he has been subjected to unreasonable interpretation of the rules when other licence applicants, with a lesser history, have benefited from an extraordinary flexibility in the application of the rules.

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1)-(2) The working group report has been presented to the Minister for Fisheries. The Minister has yet to determine his view on the future management, including access criteria, for the proposed northern demersal scalefish managed fishery. The working group recommendations are advisory, and the Minister will consider this advice in determining the fishery's access criteria. Therefore, it would be improper to grant Mr Reilly or any other fishermen access on the basis of the working group's report.

PREMIER AND CABINET, MINISTRY OF - RECURRENT EXPENDITURE BLOW-OUT

1142. Hon MARK NEVILL to the Leader of the House representing the Premier:

Some notice of this question has been given.

(1) Why has recurrent expenditure in the Ministry of Premier and Cabinet, as published in the supplementary budget papers, blown out from \$27.5m in 1991-92 to \$62.2m in the 1995-96 financial year?

(2) In the interest of open and accountable government, will the Premier give the people of Western Australia an itemised account of where this money was spent?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) The functions performed by the Ministry of Premier and Cabinet have undergone many changes over the period in question. As a consequence, the details sought by the member will take some time to obtain.

SOUTHERN METROPOLITAN COASTAL WATER STUDY - CAPE PERON OUTFALL, WATER
QUALITY IMPROVEMENT

1143. Hon J.A. SCOTT to the Minister for the Environment:

Given the following Department of Environmental Protection's 1994-95 annual report statement, based on a study gained from the yet to be released southern metropolitan coastal waters study -

The bacteria concentration of the waters near the Cape Peron outfall do not meet the water quality criteria suggested for direct contact recreation (such as swimming) and therefore pose a risk to human health.

I ask -

- (1) Will the Minister inform the House of the action taken to reduce the impact of bacteria concentrations near Cape Peron to improve the water quality and to reduce the risk to human health?
- (2) When will the Minister release the southern metropolitan coastal waters study so that the people of Western Australia know exactly the conditions in their ocean and whether it is safe to swim in these waters and eat fish caught in the area?
- (3) Is the condition of the southern metropolitan coastal water discussed in the Environment Protection Authority 1995-96 annual report and, if so, what are its conclusions?
- (4) When will the Minister release the EPA's 1995-96 report?

Hon PETER FOSS replied:

I thank the member for some notice of this question, although I am a little disappointed that the member did not ask the question of which he gave notice yesterday, as we put a lot of work into compiling that answer.

- (1) Officers of the Department of Environmental Protection have met with officers of the Water Corporation to discuss appropriate treatment options for the Cape Peron outfall.
- (2) The report has not been presented to government, but I anticipate that once it has been presented, it will be released as soon as possible.
- (3)-(4) The 1995-96 EPA annual report will be tabled in Parliament in due course.

WANNEROO CITY COUNCIL - KYLE INQUIRIES, COST; LEGAL REPRESENTATION, COST

1144. Hon P.R. LIGHTFOOT to the Minister representing the Minister for Local Government:

Some notice of this question has been given.

- (1) What was the total cost of -
 - (a) The 1991 Kyle inquiry into the City of Wanneroo;
 - (b) the 1995 Kyle inquiry into the City of Wanneroo;
 - (c) legal representation associated with Supreme Court action CIV.1570 - Edwardes v Kyle and Smith; and
 - (d) legal representation associated with the legal challenge by Dr W. Bradshaw against Mr Kyle?
- (2) What charges have resulted from these inquiries?

Hon E.J. CHARLTON replied:

- (1)
 - (a) \$202 254;
 - (b) \$666 029;
 - (c) \$94 996; and
 - (d) \$38 153

That is a total of \$1 001 432.

- (2) Charges have been preferred against a number of people on Wanneroo related matters, but it is difficult to suggest that all charges resulted directly and solely from Mr Kyle's inquiries.

MT HENRY NURSING HOME - PATIENTS; STAFF

1145. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) How many patients remain in Mt Henry Nursing Home?
- (2) How many patients will be transferred to the new special care nursing home to be built at Mt Henry?
- (3) What are the current staffing levels at Mt Henry, and how are staffing numbers distributed between -
 - (a) nursing staff;
 - (b) medical staff; and
 - (c) administration staff?
- (4) In which wards are current patients at Mt Henry located?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) 105.
- (2) Thirty five as at 7 November 1996.
- (3)
 - (a) 86.2 full time equivalents;
 - (b) 3 FTEs; and
 - (c) 13.17 FTEs.
- (4) Restorative unit and day hospital; Stitfold 2; H1; Manning unit; Waterford.

HOSPITALS - MT HENRY

*Replacement Nursing Home Development, Tenders***1146. Hon KIM CHANCE to the Attorney General representing the Minister for Health:**

- (1) Have tenders been called for the new special care nursing home at Mt Henry Hospital?
- (2) If not, why not?
- (3) If so, on what date do tenders close?
- (4) Is it the Government's intention that the privately built, owned and operated model will apply to the special care nursing home?
- (5) If not, what operational and ownership model is proposed?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Tenders have not been called because a request for proposals document was issued for the development of a replacement nursing home on the Mt Henry site on 29 June 1996.
- (3) Not applicable.
- (4) Yes.
- (5) Not applicable.

PAPOTTO, SAMUEL JOHN - DISTRICT COURT CASE

1147. Hon SAM PIANTADOSI to the Attorney General representing the Minister for Police:

I refer to the case of Samuel John Papotto, who pleaded guilty in the District Court of Western Australia on 20 June 1996 to a charge of threatening with intent to cause detriment, and I ask -

- (1) Was a warrant issued, and collected by the police on 15 October 1996?
- (2) If not, on what date was it collected?
- (3) Why did the police take until 30 November 1996 to execute the warrant?

- (4) Was the fine paid by Papotto within the three months demanded by the District Court judge?
- (5) If not, when was it paid?
- (6) If so, how was it paid?
- (7) Was the Police Service aware that if Papotto did not pay the fine by 20 September 1996, he was outside the court order?
- (8) How many times, between receiving the warrant and executing it, did the police attempt to execute it on Papotto?
- (9) Where was the warrant executed?
- (10) Was the Police Service aware that the District Court judge, in sentencing Papotto, made remarks to Papotto on how and when to pay the fine? These remarks are recorded on page 14 of the transcript of case No 867 of 1995 in the District Court of Western Australia.
- (11) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(11) The Commissioner of Police has advised that the information required to answer some questions needs to be coordinated from a number of sources, and it is not possible to provide a response in the time available. If the member puts the question on notice, I will endeavour to provide a response.

ROAD TRAINS - BEDFORDALE HILL, ALBANY HIGHWAY, PERMITS TO TRANSPORT LIVESTOCK

1148. Hon A.J.G. MacTIERNAN to the Minister for Transport:

This is a real question without notice, and I have to say that we are tempting fate with it.

The PRESIDENT: Order! I do not like those smart comments.

Hon A.J.G. MacTIERNAN: I apologise, Mr President.

- (1) Can the Minister confirm that permits were issued in the past two months for road trains to travel, loaded with livestock, down the Bedforddale hill on Albany Highway?
- (2) If yes, what conditions were imposed on those permits?
- (3) Did the Western Australian Livestock Salesmen's Association contact the Minister's office to express its concern about the issue of such permits?
- (4) Was its concern based on its perceived risk that the grant of such permits made to ongoing support for road trains in the metropolitan area, and also on the selectivity of the grant of the permits?
- (5) What advice did the Minister receive from Main Roads Western Australia concerning the issue of such permits?

Hon E.J. CHARLTON replied:

- (1)-(5) Yes, permits were issued to livestock operators to take livestock down Bedforddale hill -

Hon A.J.G. MacTiernan: When was that?

Hon E.J. CHARLTON: - in response to the drought situation on the south coast when agistment for livestock or sheep and cattle was required and obtained in the northern parts of the wheatbelt area. Given the location of the livestock, permits were issued to transport it on a number of roads that are not gazetted road train routes to enable the livestock to be transported in a fashion that was beneficial to the owners, the road train operators and, most importantly, the sheep.

Hon A.J.G. MacTiernan: Where were the sheep going? What was the destination?

Hon E.J. CHARLTON: At the time, a couple of months ago, I put out a press release stating all of this. The sheep were transported from the Nullarbor, Southern Cross, Cunderdin, Wongan Hills, Mullewa, Mogumber -

Hon A.J.G. MacTiernan: All going down Bedforddale hill?

Hon E.J. CHARLTON: No, the member did not listen to me.

The PRESIDENT: Order! The Minister is answering questions (1) to (5), not (6) and (7).

Hon E.J. CHARLTON: That is right, Mr President. The member not only asks questions about which she knows nothing, but when I give her the answer and tell her that the road trains travel along many roads, she asks whether they all went down Bedforddale hill. The answer to that question is no; they went on various roads, including Albany Highway down Bedforddale hill. All the road trains which used that option had police escorts.

Hon A.J.G. MacTiernan: All of them?

Hon E.J. CHARLTON: Yes. One or two may have been used at a different time.

Hon A.J.G. MacTiernan: Are you sure?

Hon E.J. CHARLTON: I will check on that part of the question to see whether all the road trains had police escorts. On one occasion a police escort was not available and that trip was deferred until another day. I will give the member details of how many road trains went down Bedforddale hill.

The transportation was carried out very successfully. It completed the transport equation to enable the sheep to be moved within the agreed time. A substantial and significant agreement was made between people from Agriculture Western Australia, land care and the Department of Transport to ensure the sheep were moved out of the drought area. It enabled the land to recover. Some rain has been received in that area and that, hopefully, has enabled the livestock to survive.

ROADS - FREMANTLE REGIONAL STRATEGY

1149. Hon J.A. SCOTT to the Minister for Transport:

I refer the Minister to the proposed road building program under the Fremantle regional strategy, especially the extension of the eastern bypass and the new Port Beach connection to Curtin Avenue and Servetus Street, and I ask -

- (1) Will the Stirling Bridge or the old traffic bridge at Fremantle need to be widened, or any new bridge built, to accommodate the extra traffic generated?
- (2) How will such widening or an additional bridge impact on properties adjacent to the approaches to the Stirling Bridge or the old traffic bridge at Fremantle?
- (3) What resumptions will be required and what noise and pollution increases are projected as a result of the increased traffic?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) The existing road bridges will be able to accommodate the anticipated growth in traffic in the foreseeable future. The works proposed in the Fremantle regional strategy will not generate additional traffic.
- (3) No land will be required adjacent to the river bridges as no widening will be required. Noise and pollution levels are not expected to rise as the Fremantle regional strategy will not generate additional traffic.

PAPOTTO, SAMUEL JOHN - DISTRICT COURT CASE

1150. Hon SAM PIANTADOSI to the Attorney General:

I refer to the case of Samuel John Papotto, who pleaded guilty in the District Court of Western Australia on 20 June 1996 to a charge of threatening with intent to cause detriment, and I ask -

- (1) Was Papotto directed by the District Court judge to pay the fine by 20 September 1996?
- (2) If not, on what date was he ordered to pay the fine?
- (3) Why did it take approximately one month before the police received the warrant?
- (4) Was the fine paid by Papotto within three months as demanded by the District Court judge?
- (5) If not, when was it paid?
- (6) If so, how was it paid?

- (7) Was the District Court aware that, in sentencing Papotto on 20 June 1996, Judge Macknay made particular remarks to Papotto about how and when to pay the fine?
- (8) If not, why not?
- (9) If the fine was not paid within the specified period, what action is the court or the Director of Public Prosecutions taking?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) Yes; Papotto was given three months to pay from 20 June 1996.
- (3)-(6) I will have to obtain the answer to these questions from the Criminal Registry of the District Court of Western Australia.
- (7)-(8) I am not aware of the knowledge of the court.
- (9) Such action, as is appropriate, will be determined by the District Court.

INDUSTRIAL RELATIONS LEGISLATION - AMENDMENTS

1151. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

On 6 November 1996 the Minister for Labour Relations was reported in *The Australian* as having decided not to amend the state industrial relations laws to harmonise with the federal industrial relations system. On 7 November 1996 the Minister for Labour Relations was reported in *The West Australian* as saying that he would amend the state laws to harmonise with the federal laws. I ask -

- (1) Which report reflects the Minister's intention?
- (2) If the Workplace Agreements Act is changed to include a no disadvantage test, what will happen to the thousands of existing workplace agreements that do not meet that test?
- (3) Does the Minister acknowledge that workers will have a higher level of protection under the federal workplace agreements system than they have under current state laws?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) As the report in *The Australian* states, the Minister for Labour Relations is currently reviewing the in-principle agreement between the State and Federal Governments to introduce complementary legislation to provide uniform laws on unfair dismissal, access to federal individual contracts, minimum standards and freedom of association. This review is necessary since the Federal Government now appears to have agreed, with the Australian Democrats, to make changes to the Workplace Relations and Other Legislation Amendment Bill which were not envisaged when the in-principle agreement was reached.

As *The West Australian* states, the Minister does envisage some legislative amendment since he believes Western Australian workers will benefit if there is a degree of harmonisation between the federal and state systems. At this stage, the various options for harmonising state and federal legislation are being reviewed, but nothing can be finalised until the federal Bill is enacted.

- (2) If a decision to amend the Workplace Agreements Act is made, consideration will be given to the status of existing agreements, but no determination on this matter has yet been made.
- (3) The protections provided under the Western Australian legislation have been in operation for nearly three years and have stood the test of time. Many Western Australian workers have chosen to sign workplace agreements in the knowledge that adequate protections are in place. A comparison can be made only when the federal legislation is in place.

OPTUS - TOWER, MT HENRY

1152. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Has the Government agreed to the placement of an Optus tower on the Mt Henry site?
- (2) If so, when will the tower be placed?

- (3) How much will Optus pay for the use of the Mt Henry site?
- (4) Who made the final decision to agree to the use of the site by Optus?
- (5) Were any individuals or institutions consulted on the use of the site by Optus?
- (6) If so, who was consulted and what was the response?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2)-(4) Not applicable
- (5) No.
- (6) Not applicable.

SOUTH METROPOLITAN COASTAL WATERS STUDY - COMPLETION DATE

1153. Hon J.A. SCOTT to the Minister for the Environment:

- (1) As the Minister has said that the south metropolitan coastal waters study has not been presented to government, can he tell me when it is likely that this report will be completed and presented to him so that he can make it public, and what is holding it up?
- (2) As Standing Order No 138(c) states that "Replies shall be concise, relevant, and free from argument or controversial matter", can the Minister tell me concisely what he means when he says that the Environmental Protection Authority annual report 1996 will be tabled in Parliament "in due course"?

Hon PETER FOSS replied:

I am pleased that the member has read the standing orders; he has never given any sign of having done it before.

- (1) I do not know when it is likely. I do not think anything is holding it up.
- (2) "In due course" means "in accordance with the law".

DIRECTOR OF PUBLIC PROSECUTIONS - DIRECTOR OF PUBLIC PROSECUTIONS ACT SECTION
26(1), CONSULTATIONS WITH ATTORNEY GENERAL

1154. Hon N.D. GRIFFITHS to the Attorney General:

- (1) With respect to the financial year 1995-96, on what matters did the Director of Public Prosecutions consult with the Attorney at his request pursuant to section 26(1) of the Director of Public Prosecutions Act 1991?
- (2) With respect to what matters did the Attorney consult with the Director of Public Prosecutions at his request pursuant to section 26(2) of the Act?
- (3) What directions, if any, did the Attorney give to the Director of Public Prosecutions following such consultations?

Hon PETER FOSS replied:

- (1)-(2) I would not be able to determine that, I suspect, even by having a look, but certainly I can look to see on what matters we have consulted.
- (3) None.

EDUCATION DEPARTMENT - ARMADALE OFFICE, STAFF RELOCATION; CLOSURE

1155. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Education:

- (1) How many staff have been relocated from the Armadale district office of the Ministry of Education since the end of 1995?
- (2) To where have they been relocated?
- (3) How many staff remain in the Armadale office?

(4) Is the closure of the Armadale office currently being considered?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Hon Alannah MacTiernan has obviously discovered where Armadale is!

Hon A.J.G. MacTiernan: I asked the question about road trains.

Hon N.F. MOORE: Two questions in one day! Clearly the member has discovered where her electorate is.

- (1) Thirteen people, who equal 11.63 full time staff.
- (2) Cannington Education Centre.
- (3) Eight people, who equal 4.1 full time staff.
- (4) Yes, as part of the Education Department's move into the Cannington Education Centre accommodation.

EXMOUTH MARINA BOAT HARBOUR BREAKWATER

1156. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the Government approved the relaxation of the specifications for core material that is to be provided for the construction of the Exmouth marina boat harbour breakwater?
- (2) If not, would the Minister be surprised to learn that photographic evidence which has become available recently indicates that 65 per cent of the core material is smaller than six inches in size?
- (3) Does the Minister agree that core material of this standard places at risk the whole structure of the breakwater associated with the marina and boat harbour complex?
- (4) What steps will the Minister take to review the current operations to ensure that the materials being supplied by the current contractor meet the engineering requirements for a sound breakwater?

Hon E.J. CHARLTON replied:

(1)-(4) I will check out the accuracy of the member's statements.

Hon Tom Stephens: You never come back to us.

Hon E.J. CHARLTON: An answer has been sitting there for the member for a week but he has not asked the question.

Several members interjected.

The PRESIDENT: Order! I will wait until everybody is quiet. Obviously members are not concerned that the clock is ticking around. If the Minister's colleagues want to interfere with the time that he has to answer the question, he should deal with them.

EDUCATION DEPARTMENT - EARLY CHILDHOOD EDUCATION PROPOSALS, ADDITIONAL FUNDING

1157. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

On 31 October the Minister advised the Legislative Assembly of the Government's early childhood education proposals until 2003.

- (1) What additional financial resources will be required in the next term of government to implement the proposals?
- (2) What additional financial resources will be required in the subsequent term of government to implement the proposals?
- (3) Were the additional financial costs included in the Consolidated Fund Forward Estimates 1996-97 to 1999-2000?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) By the end of 1999, the Government will have spent \$122m on new buildings, modifications, equipment and staffing to make preprimary programs available to all eligible children by 1998 and kindergarten programs available to all eligible children by 1999; \$108m of this figure has been included in the forward estimates and a further \$14m is included in the Education Department revised budget estimates. The change to the school starting age, which the Minister for Education announced in October, will result in a smaller cohort of children moving through kindergarten in 2001, preprimary in 2002 and primary school from 2003. The savings associated with this smaller group of children will assist in funding the early childhood education initiatives announced by the Minister for Education on 31 October.

GENDER REASSIGNMENT BILL - INTRODUCTION DATE

1158. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the Attorney's media statement of 7 April dealing with gender dysphoria and gender reassignment, which concluded with the words, "Mr Foss said a gender reassignment Bill was in the process of being drafted and would be introduced into Parliament later this year".

- (1) Where is the Bill?
- (2) Does the Attorney really intend to keep this promise?

Hon PETER FOSS replied:

- (1)-(2) Of course I intend to keep the promise. I intend to keep all my promises.

Hon N.D. Griffiths: You never keep them.

Hon PETER FOSS: The member knows perfectly well that if one does not have intentions, one can never fulfill them. My intention was to introduce it this year. It is unfortunate that I have not been able to do so; but if I had not formed the intention in the first place of bringing it in this year, I can assure the member it would never have come near to being introduced. I will have to inquire of Parliamentary Counsel with regard to where it is at the moment.

Hon N.D. Griffiths: It has been reassigned!

Hon PETER FOSS: No. It is a bit much to expect that everything that we would like to happen will happen. I sometimes bring a Bill into this House which I hope we can debate in about 10 minutes, but then I find that the Opposition indicates its support for the Bill with some reservations and we are here for two days.

ELLE RACING SYNDICATE - WHITBREAD RACE ENTRY, FUNDING

1159. Hon KIM CHANCE to the Leader of the House representing the Premier:

- (1) On what basis did the Government decide to fund the Elle racing syndicate for its entry in the Whitbread race?
- (2) Why was a Western Australian-based syndicate not given funding for the same purpose?
- (3) Can the Minister confirm that a Western Australian-based syndicate, First Australia Challenge-Team Australia, was denied funding by the Government about 12 months ago and that it was also told that this Government would never provide financial support to any yachting syndicate?
- (4) How can the Government justify its million dollar extravagance in sponsoring an entry in an event of such limited significance to Western Australia when hospital waiting lists and median waiting times are continuing to increase?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The decision to fund the Elle Racing team was made on two principles: First, that the Whitbread organisers had stated that if there was not an Australian entry, it was likely that Fremantle would lose its host port status and lose the \$12m economic impact; and, second, that the unique opportunity of the personality of Elle Macpherson to promote the State through a worldwide media event, in conjunction with a tourism campaign, was an investment of great value. As a matter of interest, the Whitbread race is the third highest viewed television event in the world.

Hon Kim Chance: You are kidding? I've never heard of it. A yacht race?

Hon N.F. MOORE: I am not joking; that is a fact. In respect of the first principle, the Western Australian Tourism Commission held discussions with all potential Australian syndicates in an endeavour to assist a team's entry. All other potential syndicates had not been able to progress to the point of forming a team. Elle Racing is the only team to do so and given the race is only 10 months away, it is unlikely that any others will.

- (2) No other Western Australian team can offer the promotional opportunities for the State and provide a return on the investment that the Elle Racing team can.
- (3) The Western Australian Tourism Commission worked very closely with the First Australia Challenge in its early formation. The WA Tourism Commission provided sponsor contacts, assisted with sponsorship proposals, and offered general support. During this period the team was unable to raise any of the necessary support to fund the \$10m to \$12m required to compete in the race.

The Western Australian Tourism Commission did not say it would not fund the entry, but rather it stated that the team would need to be established before any such assistance could be considered. The WA Tourism Commission was not going to establish the team and then be responsible for its ongoing survival. By contrast, the Elle Racing team has already chartered a trial boat, and the crew is established and training and its race boat is currently being built and will enter the Sydney to Hobart race this year. Elle Racing will refund \$400 000 if the team does not start in the race. The additional \$600 000 is for Elle's appearance in the tourism campaign and commercials.

- (4) The investment in the Elle Racing team is an excellent one. The amount of exposure Elle Macpherson will generate for Western Australia via the Whitbread race alone is estimated to be worth \$5m. Retaining the race in Fremantle will see the State continue to earn \$12m every time the race comes to Fremantle. The additional free media exposure generated by having Elle as part of the tourism campaigns will be invaluable.
-