



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE ASSEMBLY

Tuesday, 27 May 1997

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**THE SPEAKER** (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

### ABORIGINES - FAMILY SEPARATION

#### *Motion of Respect*

**MR COURT** (Nedlands - Premier) [2.04 pm]: It is appropriate that this House show respect for Aboriginal families that have been forcibly separated as a consequence of government policy in the past, by observing a period of silence.

[Members stood for one minute's silence.]

### VISITORS AND GUESTS

**THE SPEAKER** (Mr Strickland): Hon Jim Plowman, MP, the Speaker of the Legislative Assembly of Victoria, and Mr Philip Mithen, the Clerk of the Legislative Assembly of Victoria, are in the Speaker's Gallery. I invite members to welcome them.

[Applause.]

### PETITION - TRANSPORT

#### *Concessional Fares*

**DR GALLOP** (Victoria Park - Leader of the Opposition) [2.05 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned petitioners call on the State Government to reverse their increases in public transport fares, in particular the changes to concession fares and time constraints on transfers in that they will impact most severely on pensioners, the unemployed and other low income earners.

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

The petition bears 462 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 36.]

Similar petitions were presented by Ms Warnock (226 signatures) and Mr Kobelke (31 signatures).

[See petitions Nos 37 and 38.]

### PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

**MR KOBELKE** (Nollamara) [2.08 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

The members of the Friends of Perth's Beaches and Foreshores Inc call on the Government of Western Australia to withdraw the very anti Australian labour relations laws.

We also condemn this Parliament for the use of police powers to remove people who were protesting against the unfair and anti Australian labour relations laws.

We also condemn the Premier of this State for refusing to meet with members of this group so we can discuss important issues about beach front development.

The members of this group humble and pray you will consider these points.

The petition bears one signature and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 39.]

#### STATEMENT - MINISTER FOR LABOUR RELATIONS

##### *Construction Industry Portable Paid Long Service Leave Report*

**MR KIERATH** (Riverton - Minister for Labour Relations) [2.14 pm]: In November 1996 I tabled a report of the "Review of the Construction Industry Portable Paid Long Service Leave Act 1985". At that time permission to publish written submissions to the review was being sought from the authors of those submissions. Permission to publish has now been received from all but six of those parties who made submissions to Mr McEvoy.

I have established a subcommittee of the Western Australian Labour Relations Advisory Council, which contains representation from the peak industrial relations parties, to consider and advise me on the report and its recommendations. The subcommittee will be chaired by Mr John Lloyd, the Chief Executive Officer of the Department of Productivity and Labour Relations. The subcommittee will ensure that all stakeholders, including employers and unions, have the opportunity to make known their views on the recommendations. Both the report of the review and this volume of written submissions are available from the Department of Productivity and Labour Relations. I table volume 2 of the report.

[See paper No 419.]

#### STATEMENT - MINISTER FOR LABOUR RELATIONS

##### *Review of Labour Relations Legislation*

**MR KIERATH** (Riverton - Minister for Labour Relations) [2.16 pm]: In December 1995 I tabled the report of the "Review of Western Australian Labour Relations Legislation." I indicated at the time that the written submissions made to the review would be published provided that the authors agreed to that course of action.

All but five of those organisations and individuals have now given that permission. Three refused permission to publish and two did not respond to correspondence from the Department of Productivity and Labour Relations. The report, the review and the volume of written submissions are available at a total cost of \$30 from the Department of Productivity and Labour Relations. I now table volume 2.

[See paper No. 420.]

#### STATEMENT - MINISTER FOR WORKS

##### *Building Industry - Non-residential Building Program*

**MR BOARD** (Murdoch - Minister for Works) [2.18 pm]: The State Government's \$338m non-residential building program for 1997-98 will provide a major boost to the construction and building industry of Western Australia. The overall program, which has increased by \$24m from last year's allocation, is a vital component of work in the State's building industry and is vitally important to the general economy.

The types of projects in the non-residential building program are aimed at providing important community based infrastructure, enhancing the quality of life for all Western Australians, producing more jobs - especially for small contractors - and stimulating strong economic growth. Some of the projects in this year's program include new schools, police stations and child care centres, and additions to schools, technical and further education colleges and hospitals. More than \$100m will be spent on new works and additions to existing schools; about \$26m has been allocated to additions, upgrades or new TAFE colleges; and about \$21m to new replacement police stations. Private sector contractors, including small and regional businesses, will undertake all the design, forward works and construction.

Many of the major builders who win government contracts employ very little, if any, in-house labour. As a result, the majority of work involved in the construction of non-residential buildings is completed by small, local businesses. Members in this House will be interested to know that in a typical example, such as a primary school, in excess of 80 per cent of the contract value could be passed onto subcontractors and subsuppliers. These subcontractors include local bricklayers, roofers, carpenters, tilers, painters, glaziers, landscapers and reticulation installers. A typical primary school costing \$4m could result in more than \$3.2m being distributed across a wide range and number of local businesses. If this example is translated over the forecast \$200m of capital works under the responsibility of the Department of Contract and Management Services, during 1997-98 at least \$160m of this could be subcontracted to local businesses. This figure does not include maintenance. The report contains a short description of each project and budget details. The projects have been listed under both ministerial portfolios and

Legislative Assembly electorates. The report will be distributed to all members of Parliament, local government authorities, state government departments and building industry associations.

The building and construction industry in Western Australia has benefited significantly and will continue to benefit from the State Government's restructuring of CAMS and the introduction of its competitive tendering and contracting policy. I table a copy of the 1997-98 non-residential building program.

[See paper No 421.]

**[Questions without notice taken.]**

**LABOUR RELATIONS LEGISLATION AMENDMENT BILL**

*Assent*

Message from the Governor received and read notifying assent to the Bill.

**SESSIONAL ORDERS - TIME MANAGEMENT**

**MR BARNETT** (Cottesloe - Leader of the House) [2.53 pm]: In accordance with the sessional order for time management, I move -

That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 29 May -

- (1) Acts Amendment (Marine Reserves) Bill - all remaining stages;
- (2) Fishing and Related Industries Compensation (Marine Reserves) Bill - all remaining stages;
- (3) Western Australian Sports Centre Trust Amendment Bill - all remaining stages;
- (4) Sea-Carriage Documents Bill - all remaining stages; and
- (5) Energy Coordination Amendment Bill - all remaining stages.

Five Bills will be subject to the sessional order on time management. The Western Australian Sports Centre Trust Amendment Bill and the Sea-Carriage Documents Bill have been debated in the upper House, and they did not attract much debate. They cannot be considered major pieces of legislation. The Acts Amendment (Marine Reserves) Bill is already in Committee and has proceeded to clause 17. The Fishing and Related Industries Compensation (Marine Reserves) Bill is an associated Bill and logically should be dealt with in the same week. The Energy Coordination Amendment Bill will be debated this Thursday, and it essentially will allow for the reticulation of gas within Kalgoorlie, which all members should support.

If there is sufficient time on Wednesday, the Restraining Orders Bill will be brought on for debate, although it is not subject to time management this week. The legislation to be dealt with this week is not particularly contentious, although I readily concede the marine reserves Bill is significant and important, and it is proposed to deal with it today.

**MR THOMAS** (Cockburn) [2.54 pm]: The Opposition is opposed in principle to the type of motion the Minister has just moved. It is worthwhile reflecting on the statement made by the Minister. He sought to justify himself in terms of proper parliamentary standards by saying this legislation should not take a great deal of time to consider, because in some cases the Bills have been debated in another place and in other cases the progress of the debate is well advanced. If that be the case, why is it necessary to move this motion? If these Bills will be considered in the normal course of events within the time prescribed by this motion, why is it necessary for the guillotine to be brought down?

I hope that you, Mr Speaker, are as appalled as I am because this Government is treating the Parliament in a most cavalier manner. We need only consider the events which took place over the last couple of weeks to recognise what a dreadful and cavalier attitude the Government has towards the Parliament. This Government feels the Legislature should jump at the behest of the Executive, and it is prepared to use its numbers to ensure that is the case. That was demonstrated in the most shameful series of events ever seen in this Parliament, certainly since I have been a member, when the industrial relations legislation was rammed through this Parliament in the past couple of weeks without the Government having a mandate to do so. In fact, the Premier misled the people of Western Australia into thinking that legislation was no longer on the agenda. When the Government found it no longer had control of the upper House, which it has always regarded as its exclusive bailiwick, it rammed the legislation through this place in order that it would be before the upper House before 22 May, the date on which the balance of numbers changed significantly in the Legislative Council.

My argument against this motion is that it demonstrates cavalier treatment of the Parliament and it can be regarded only as cavalier treatment of the Legislative Council. The new Legislative Councillors are sitting today for the first time and I imagine they will take umbrage at the fact that they were elected on 14 December last year, but before they took their places important legislation was pushed through in a rush. I am sure they feel angry that Parliament has been treated in such a way, when the will of the people expressed on 14 December last year has been deliberately subverted by the way in which this Government treats the Parliament. The Legislative Councillors can speak for themselves. The Legislative Council has been abused and used in an absolutely shameful way, but this House also has been. One need only remember the unprecedented way in which messages of the Legislative Council were considered in the dying moments of the parliamentary sitting the week before last. The Government sprang upon the House consideration of messages from the Legislative Council, and it had to sit unprecedented hours and in an unscheduled manner to consider those important messages.

In the time I have been a member of this House - which is not that long but is some years - I have never seen important legislation introduced to the House in that way, whereby the Opposition was denied notice or the opportunity to be briefed and to consider legislation when that opportunity was sought and it involved an important matter. It is the custom and practice of this House and the Legislature to do its job properly. The Government used its raw political power and its numbers to subvert the proper process of the Parliament, and this motion is another example of that.

**MR BROWN** (Bassendean) [3.00 pm]: I oppose the guillotine motion for a number of reasons. Week in, week out, at the beginning of the parliamentary week the Government parades its arrogance for all to see by virtue of moving this motion as a norm. It is moved regardless of whether the House has a heavy or light legislative load or whether Bills under consideration are extraordinarily complex and controversial or are those which by and large the Chamber agrees meet the public interest test. The Government has no regard whatsoever for the content and nature of Bills placed under the guillotine motion each week. It demonstrates its arrogance towards the parliamentary process by using its numbers to push through its legislation.

I understand the Bills placed under this guillotine motion today are not controversial. As I understand it, the Parliament could give detailed and thorough consideration to those Bills prior to the normal rising at 6.00 pm on Thursday. Notwithstanding that, the Leader of the House has moved this motion for the sole purpose of demonstrating in this Chamber that the Government is in charge and it, and only it, will determine the time frame for the passage of legislation. The Government is not perturbed at all if that action cuts across proper and due consideration of Bills, and indicates more than anything else its poor management of the House.

On some weeks the guillotine is applied and Parliament is unable to give proper and serious consideration to complex pieces of legislation because the Government has deemed that Parliament should not have the time to consider them. On other weeks the Government's need for legislation to be passed is not so great and far more time is available. However, week after week, the Parliament faces this motion to truncate debate on complex and controversial legislation. When one considers those Bills in hindsight, one must ask whether this process has produced good legislation. We repeatedly see Bills introduced to correct or substantially change poor legislation rushed through by the Government. Last year the Government recognised the fundamental weakness of its workers' compensation legislation introduced in 1993, and a second Bill was introduced and not proceeded with.

In other areas we have seen the Government introduce Bills to amend legislation subject to the guillotine. By the Government's moving this motion every week we see not only its poor management and arrogance towards proper parliamentary processes, but also that it has no concern about making the best possible legislation to meet the public interest test, which this House should always attempt to do.

Question put and a division taken with the following result -

Ayes (32)

Mr Ainsworth	Mrs Holmes	Mrs Parker
Mr Baker	Mr House	Mr Prince
Mr Barnett	Mr Johnson	Mr Shave
Mr Barron-Sullivan	Mr Kierath	Mr Sweetman
Mr Board	Mr MacLean	Mr Trenorden
Mr Bradshaw	Mr Marshall	Mr Tubby
Mr Court	Mr Masters	Dr Turnbull
Mr Day	Mr Minson	Mrs van de Klashorst
Mrs Edwardes	Mr Nicholls	Mr Wiese
Dr Hames	Mr Omodei	Mr Bloffwitch ( <i>Teller</i> )
Mrs Hodson-Thomas	Mr Osborne	

Noes (19)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Constable  
Dr Edwards  
Dr Gallop  
Mr Graham

Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Ms McHale  
Mr Pental

Mr Ripper  
Mrs Roberts  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Pairs

Mr McNee  
Mr Cowan

Mr McGowan  
Mr Riebeling

Question thus passed.

### ACTS AMENDMENT (MARINE RESERVES) BILL

*Committee*

Resumed from 15 May. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mrs Edwardes (Minister for the Environment) in charge of the Bill.

#### Clause 17: Divisions 3A and 3B inserted in Part III -

Progress was reported after the following amendment had been moved -

Page 28, line 2 - To insert after "preserve" the words "and restore".

Dr EDWARDS: I said on Thursday, before we were interrupted for some quite significant business, that the reason for this amendment is to ensure that the policies that are developed by the new Marine Parks and Reserves Authority take into consideration restoration of the marine environment. The word "preserve" does not adequately cover all the factors that must be considered when dealing with the marine environment.

Mrs EDWARDES: While the proposed amendment has some merit, it is inconsistent with the role of the National Parks and Nature Conservation Authority, and the Marine Parks and Reserves Authority is primarily a creature of the NPNCA to deal with marine issues. Preservation of the natural environment requires that its restoration also be taken into account. Therefore, the amendment is unnecessary.

Dr EDWARDS: This proposed section refers to developing policies. I am not saying that the Marine Parks and Reserves Authority will not address the problems or restore the deficiencies that exist in marine and coastal environments. However, if that matter is not adequately covered in the policies that will set the framework for how that authority will approach these problems, this issue will not be tackled adequately and we will be missing a big opportunity to improve this Bill by making very clear the tasks of the people who will implement these policies.

Mrs EDWARDES: The member is concerned that the issue of restoration will not be tackled adequately. I have no doubt that when the marine authority develops policies to achieve or promote the objectives of the management plans of the reserves which are vested in it, under proposed section 26B(1)(b)(iv), which will include preservation of the marine environment, it will also take into account restoration. Therefore, the amendment is unnecessary.

#### Amendment put and negatived.

Dr EDWARDS: I move -

Page 28, line 4 - To delete "facilities for the" and substitute "for the ecologically sustainable".

The reason for this amendment is that people can love their national parks to death. A similar risk exists in marine parks and reserves; an example is the management of the stromatolites at Hamelin Pool. Therefore, we sometimes need to protect the environment from the people. I am not saying that we need to keep people from the environment. However, we must ensure that people visit and enjoy these areas in a manner that is ecologically sustainable. The reason for the words "ecologically sustainable" is to send that message to the managers of these areas so that they will not only open up or highlight particular reserves or marine conservation areas, but also tell people to take care when they visit these marvels.

Mrs EDWARDES: This amendment has some merit, but it is unnecessary given the conservation and protection functions that have been assigned to each of the categories of marine reserve. The reason for the boardwalk at

Hamelin Pool is to allow people to view the stromatolites without causing them damage. Facilities are an important part of those functions.

Dr EDWARDS: While I understand what the Minister is saying, I will give one example. Some of the technical bulletins of the Department of Environmental Protection have studied the oceans around Coral Bay, but some of the areas referred to in those bulletins are in the Ningaloo Marine Park. There was no doubt in some of the bulletins that I read a while ago that difficulties with the sewerage at Coral Bay had led to problems in that marine park. The reason for the words "ecologically sustainable enjoyment" is to ensure that all the other issues that impact upon the oceans in these areas that we will protect are taken into account. The waters in oceans are interconnected; therefore, problems are more likely to flow from one place to another than they are on land. This amendment signals that we want ecologically sustainable actions to be considered when the policies are developed in order to set the correct framework for the actions that will follow.

Mrs EDWARDES: It is clear from the second reading speech that the Government has a commitment to ecologically sustainable development. The Marine Parks and Reserves Authority must give proper consideration to that commitment when it develops policy with regard to the provision of facilities for the public, whether they be for recreational or other purposes. Therefore, the Government believes the amendment is unnecessary. However, I reconfirm that commitment.

**Amendment put and negatived.**

Dr EDWARDS: Clause 17 provides that the Marine Authority shall not advise the Minister on any matter to do with marine archaeology before the museum has been made aware of it. That is a good clause. Will the Minister give a little background to it?

Mrs EDWARDES: It is included because WA Museum officers are the experts in marine archaeology and it is very important to receive advice from the experts.

Dr EDWARDS: It is good to see it. The Marine Authority will comprise seven members. Who is likely to be appointed? Concerns have been raised with members on this side in relation to people from the petroleum industry.

Mrs EDWARDES: I do not understand the concern in respect of the petroleum industry. Can the member explain?

Dr EDWARDS: The Bill spells out from where various members will come - other Ministers make recommendations and so on - and fisheries and conservation interests are covered very well. The Minister made some reference to this in the second reading speech, but can she reassure the petroleum industry that its needs will be considered at that level?

Mrs EDWARDES: It is important to note that the member is referring to proposed section 26D(2), which indicates that members are to be persons who have knowledge and experience or a particular function or vocational interest that is relevant to the functions of the authority. It is important that they be non-sectorial and non-representative. As stated, an advertising and consultation process will be undertaken with other Ministers. The Government is positive about getting a good and fairly balanced group of people who will be able to carry out those functions with distinction and who will be recognised by the community as having a level of individual expertise.

Mr McGINTY: What is the situation in relation to other boards, committees or authorities in the conservation area and are members appointed to represent particular interests? Is this proposal - a non-sectorial board - a new approach to membership of committees, boards or authorities in the conservation area?

Mrs EDWARDES: Of course, the Environmental Protection Authority is very much a group of individuals, although the National Parks and Nature Conservation Authority is representative or sectorial. The Lands and Forest Commission is referred to in section 20(3) of the Conservation and Land Management Act, which provides that a nominee must have experience in matters relevant to the management of land for conservation, recreation and forest production. Again, that means individuals. Primarily, the membership of the majority of the boards and commissions under the Conservation and Land Management Act is non-representative.

Mr McGINTY: I thought the idea behind this legislation was to mirror the terrestrial reserves framework in respect of marine parks and the like. The NPNCA would appear to be the comparable board to the Marine Authority. Why was the decision taken not to mirror that model?

Mrs EDWARDES: I am not sure whether the member is aware that the NPNCA and its membership has been reviewed over a period. I had a meeting with the authority a couple of months ago at which I was apprised of some very strong views. Accordingly, that issue will be revisited in the next couple of years. It was felt at the time the Marine Authority was being considered that given that was one of the issues raised in respect of the NPNCA it would be far better to make it non-representative and non-sectorial to get the best people possible to provide advice that will

be significant to Western Australia. Of course, the member might remember from his days as Minister that it sometimes avoids much controversy about the numbers of people who should be on a board or authority, the claims that some groups are left out and so on. That issue comes up regularly and that is one of the reasons it has been revisited.

Mr McGINTY: In a broad sense, this provides for those people who look to represent conservation values. Reference was made to the maritime archaeology officers at the Fremantle Maritime Museum. I refer the Minister to marine reserves, particularly where there might be a wreck. That would be of enormous interest to the diving community and those who have an interest in history, maritime archaeology and the like. Similarly, a range of conservation diving groups has an interest in these matters. On the one hand, we have the conservation interests and, on the other, the potential exploiters of the parks as a result of the Government's introducing this notion of dual use; that is, conservation side by side with commercial exploitation. Clearly those people with a conservation or preservation view should be represented on this authority. Will the Minister give some indication of the extent to which she sees the petroleum, fishing or any other commercially exploitative groups providing members for the authority? I appreciate the desire to have the best people to do the job, but that is not the point. Does the Minister see a role on the board for people who might commercially exploit the reserves or does she see it as more important that there be a greater number with a conservation bent to their approach?

Mrs EDWARDES: The member mentioned the fisheries area. The second reading speech contained a commitment that the Minister for Fisheries will recommend two nominees from the fishing industry. No other firm commitment has been made in respect of any other sectorial group. We want people who will act in the best interests of the authority and the marine reserves of Western Australia rather than on behalf of sectorial interests. I do not have a view about who should be on the board or about its balance. Advertisements will be placed seeking expressions of interest from people who would like to participate in the authority, and I hope very much that people from the conservation movement will be involved. One example we can point to is the role that Dr Christine Sharp has played in the Environmental Protection Authority. Dr Sharp's work has been well recognised. Her role and involvement in the Marine Authority has been highly regarded and very well received. I have no doubt that there will be an opportunity for the conservation movement on the authority.

Dr EDWARDS: The Bill details that the Scientific Advisory Committee will be providing quite a lot of advice. Is there a mechanism for this advice to become publicly available?

Mrs EDWARDES: That obviously has not been thought about in any firm detail at this stage. It is not in the Bill. On occasions, if that advice is going through to the Minister or the authority, there may be an opportunity to make it available, in which case that advice from the scientific community will be readily available. I will pick up the member's interest in that. As we are working through the whole of the operation of the committee, we will keep it in mind. The member will be aware from our looking at the Environmental Protection Act, that amending the operation of that Act means we can get information out much more readily to members of the public, given the fact that if every person in Western Australia has the standing to appeal, we must give them the information. This is quite clearly in line with what I would like to see happen. We have not yet applied our minds to it.

**Clause put and passed.**

**Clauses 18 to 20 put and passed.**

**Clause 21: Section 33 amended -**

Dr EDWARDS: We on this side of the Chamber are concerned with what we were told in the budget Estimates Committee that the Marine Parks Reserve Authority will not have its own budget. We urge the Minister as the authority evolves to give some thought to that. If the authority does not have a budget it will always rely on the Department of Conservation and Land Management for services in order to perform its functions. We have the same problem with the Environmental Protection Authority and the Department of Environmental Protection. The notes on clause 21 mention management plans. One of the amendments is to do with compatible operations, where there are no management plans. If there are management plans, is CALM bound by them once they have been through the processes?

Mrs EDWARDES: Yes. To answer the budgetary question, the National Parks and Nature Conservation Authority does not operate from a direct budget. Its members feel that as independent individuals they have more flexibility. Because they are not constrained by a budget, they have access to all and everything they want when they want it. The view has been very clearly expressed to me by members of the NPNCA that they do not see that as limiting their flexibility but adding to it.

Dr Edwards: Have they the ability to buy something independently, if they need it?



Mrs EDWARDES: My officers advise that they do not know that the NPNCA has expressed a wish to do that. Given the experience of other boards and authorities, although it would have to go through the accountable officer under the Financial Administration and Audit Act, it would be unlikely, when it was trying to gain different advice, information or expertise, that a request would be refused, if it were valuable for an issue before the authority.

**Clause put and passed.**

**Clauses 22 to 25 put and passed.**

**Clause 26: Section 60 amended -**

Dr EDWARDS: This clause amends section 60 of the CALM Act and ensures that the submissions from the Ministers for Fisheries and Mines are "complied with". Will the Minister explain the legal standing of "complied with" in respect of these submissions?

Mrs EDWARDES: The Bill reads "gives effect to". The interpretation we gave in the notes is basically as the member has referred to it; it means giving effect to "complying with".

Dr EDWARDS: Currently, the Minister for the Environment must give effect to and comply with the submissions from the Ministers for Fisheries and Mines. However, in this Bill when the Minister for Mines, for example, is allowing permits to be issued, he only notifies the Minister for the Environment. Will the Minister give the background to this imbalance of power?

Mrs EDWARDES: I do not have the full information, but it appears to be historical. As the member will know, under the Mining Act the Minister for the Environment has concurrent powers. Only under the Petroleum Act has that not been the case. Once the issue arose in respect of Shark Bay, I felt it was an absolute anomaly. I should not have to be reading about it in *The West Australian*; it would have been nice to be advised earlier. The officers from Mines and Environment are working together to establish a protocol. Despite the fact the Act does not give any powers to do anything other than present plans, which must go through an environmental assessment, it will ensure that all activity is referred through the Environmental Protection Act process. We are looking at establishing that protocol. The amendment was to put that in place, although the protocol will probably be much wider when we work it through. We have not completed the process. It was nearly there prior to the Bill going through the Chamber. We wanted to include in the Bill that we want notification and we want the Minister for the Environment to be statutorily advised, whereas at the moment that is not a consideration. It will be legislated that the Minister for the Environment be statutorily advised.

**Clause put and passed.**

**Clause 27: Section 62 amended -**

Dr EDWARDS: This clause inserts a new part after clause 62 of the CALM Act. If it is convenient to the Minister, I will refer to page 40 of the notes. I do not quite understand what the Minister is doing. Although the temporary control areas have been controversial, there is obviously a need to have such facilities, and for an Act like the CALM Act to contain such provisions. Why is this proposed new section being inserted to deal with marine waters? Does it still give the power to close off an area in a crisis if that is required for some particular conservation purpose?

Mrs EDWARDES: Yes, and for a very good reason. If there is a conservation or preservation or restoration reason, we can close off an area as a special purpose zone and allow the work to be done, if needed. With this provision we are in new waters - no pun intended - and it was felt that it was needed in the event of such an occurrence. Again, we do not have any firm ideas about how and when that would operate.

Dr EDWARDS: How this might happen in a crisis situation is spelt out a little more on page 41 of the notes. It says that when the decision is made, the information will be tabled in both Houses of Parliament. I take it that no particular crisis is envisaged where that must be done, but it is a cover-all in case a situation arises.

Mrs EDWARDES: It is a power that allows that to be done in the event it is needed.

**Clause put and passed.**

**Clause 28: Section 64 amended -**

Dr EDWARDS: I think this provision allows the authority to keep any moneys that it derives. Will there be much of an opportunity for it to do that? Presumably it is quite hard to charge an entrance fee.

Mrs EDWARDES: One example that comes to mind is commercial licence fees for commercial tourist operators. Where those opportunities arise, CALM gets to keep the funds.

**Clause put and passed.**

**Clause 29 put and passed.**

**Clause 30: Section 99 amended -**

Dr EDWARDS: I refer to the middle of page 43 of the notes. It seems that the provision amending the director's powers makes them broader than I would have envisaged in the marine parks legislation. Will the Minister explain some background to why this provision is inserted? Is the Government taking the opportunity in these amendments to the CALM Act to correct a few other things?

Mrs EDWARDES: It is confirming what is happening in practice with the National Parks and Nature Conservation Authority. It deals with every licence. The NPNCA now operates on a batching basis. This is putting in the legislation what is occurring in practice.

**Clause put and passed.**

**Clause 31: Section 99A amended -**

Dr EDWARDS: I am not exactly clear what is meant by these provisions and why the existing section is being changed.

Mrs EDWARDES: This seeks to correct an anomaly. The amendment applies to lands which are vested in the National Parks and Nature Conservation Authority. It also applies to some lands vested in the Lands and Forest Commission; that is, existing section 5(g) reserves. If this existing section was not amended, it would also apply to the operations in marine reserves which are now vested in the Marine Parks and Reserves Authority, not the NPNCA. This has been included merely to correct an anomaly.

**Clause put and passed.**

**Clauses 32 to 40 put and passed.**

**Clause 41: Section 24A inserted and consequential amendments -**

Dr EDWARDS: This clause comes within part 3 of the Bill which deals with amendments to the Mining Act. It deals with mine and marine reserves. Page 50 of the notes mentions that it does not prevent an existing tenement from being held or renewed. I seek an explanation, if possible, about what happens when licences over tenements are renewed. I also note some of the licences are for 21 years. I ask the Minister to give a little background about renewal and the period of the licence. When these licences are renewed, does the area they cover contract markedly as well?

Mrs EDWARDES: The reduction is applicable to only petroleum, as far as we are aware; not mining activity. If the licence had been approved through the Environmental Protection Act process previously covering renewals - that is, it is being renewed without any change - the applicant would not need to go through the process again. We must keep in mind the different stages. Any activity must still go through the environmental assessment process at the relevant stage. It may be at the stage of the issuing of an initial permit or the subsequent renewal of that permit.

Dr EDWARDS: The notes state that the Government very strongly agrees that no change will happen until it comes before both Houses of Parliament. In other words, it must come before both Houses of Parliament to get consent. I cannot find anything as strong as this in other parts of the Bill that deal with the Petroleum Act and the Pearling Act. Presumably mining relates to a very wide range of activities that are likely to occur in marine parks.

Mrs Edwardes: Salt, sand; it can be quite enormous.

Dr EDWARDS: Given the interest in the marine areas, it is more likely to be petroleum than fishing. I cannot find similar clauses in the amendments to the other Bills we are changing. Is that just oversight on my part, or is any mechanism as strong as that in the other clauses which we are yet to deal with?

Mrs EDWARDES: There is not. That is primarily because the Petroleum (Submerged Lands) Act is not a mirror image of the Mining Act. There are a number of differences as I am sure the member knows. The level of activity under this Act is quite different from petroleum activity. Mining can include dredging the sands under seagrasses, as is happening at Cockburn Sound. It can also involve salt. Therefore, the impact of a mining activity can be far greater than the consequential impact of petroleum or gas exploration or production.

Dr Edwards: What about trawling?

Mrs EDWARDES: Trawling also can be extensive. When the World Heritage area at Shark Bay was being defined, trawlers already had an area within which to operate. That has been redefined to put trawling operations where they will not have an impact on the marine park. I commend the industry because since it was pointed out to it, it has supported staying away from that area. Many activities will have different types of impact. That is probably the reason there is no mirror image between the two Acts.

**Clause put and passed.**

**Clause 42 put and passed.**

**Clause 43: Section 28A inserted -**

Dr EDWARDS: This clause states that the Minister responsible for the Petroleum Act - the Minister for Mines - shall first notify the Minister responsible for the Conservation and Land Management Act. "Notifying" is quite different from taking into effect and complying with. I am pleased that this part is in here but it could have been stronger.

Mrs EDWARDES: This part of the legislation refers only to permits. The permit allows the development of a program of activity. That program is subject to the full environmental assessment process. As such, the issuing of a permit, whether through notification or concurrence, does not place any limitation on the process that must be undergone. However, I have made it clear to the Minister for Mines that there will be areas that are no-go zones which will be clearly identified in the marine management plans for the various reserves. One of the advantages of the legislation is that it will require clear identification throughout the region, despite particular systems, about where the operators can or cannot operate. The Hamelin Pool marine nature reserve is one clear example. I do not care where lines are drawn, no activity will be allowed in that area.

**Clause put and passed.**

**Clause 44: Section 18A inserted -**

Dr EDWARDS: This clause states that the Minister for the Environment will be notified, whereas the CALM Act is much stronger. What happens with commonwealth waters? Is there some sort of discussion between federal and state Ministers when activity occurs in commonwealth waters, given that the impact might be on a nearby marine park in a marine management area in state waters?

Mrs EDWARDES: Under the environmental agreement with the Commonwealth, this has nothing to do with CALM legislation. There is a protocol in place. The Commonwealth can determine whether it will carry out its own assessment or accept the state assessment. Shortly state and federal Ministers - we began the process earlier this year - will be discussing federal-state responsibilities and how we can improve the assessment process to give some level of confidence. The Federal Government wants a clear say in the operation of, for instance, World Heritage areas. I have had the agreement redrafted to include the new changes relating to federal-state responsibilities. The Petroleum (Submerged Lands) Act mirrors the federal legislation and the presence of marine conservation reserves is not recognised. The benefit of the proposed CALM Act amendments is that conservation reserves will now be recognised when considering offshore mining and mineral and petroleum activities.

**Clause put and passed.**

**Clauses 45 to 50 put and passed.**

**Clause 51: Section 94 repealed and a section substituted -**

Dr EDWARDS: This clause deals with the renewal of licences. Can the Minister give any information about for how long these licences exist? I cannot understand what a licence is when it is unattached. I know that "unattached" is defined over the page. However, I have some conceptual difficulties with what it means.

Mrs EDWARDES: The answer to the first question is 12 months. An unattached licence is not attached to a lease. An aquaculture licence may not be attached to a lease. I have difficulty with this not only in this area, but also in the Public Service with unattached and attached officers. This clause deals with licences and leases which are either connected or not connected and they may be unattached.

Dr EDWARDS: How long will a management plan take from go to whoa? Is it likely there will be situations where there are no management plans? The form of words in the explanatory note is that the Fisheries Minister must consult with and take into account the recommendations of the Minister administering the CALM Act. How strong are those words in a legal sense?

Mrs EDWARDES: The phrase "take into account" is not as strong as "give effect to". It is important to make sure that the Ministers for Mines, Fisheries and the Environment work together to get some marine reserves up and running; otherwise they will be so entrenched in their own area they wish to protect that this will not work.

The process for the marine management plans is outlined in the Bill; it includes draft management plans, the consultation process, and the level of detail required. The timeframe will depend on the extent of the consultation process, the number of stakeholders, and the users in the areas already operating; therefore we do not have a firm view of the number of years it will take to arrive at a management plan. The Wilson report contains 71 recommendations. We want to identify clearly a manageable plan of priorities so that the Marine Parks and Reserves Authority can begin work. We will have an indicative plan at the time of gazettal. That plan can be set in train quickly after declaration. In the unforeseen event that there is no plan we want to ensure that the Minister for Fisheries is able to renew, but to take into account the recommendations of the Minister for the Environment.

**Clause put and passed.**

**Clauses 52 to 54 put and passed.**

**Clause 55: Section 116 amended -**

Dr EDWARDS: The clause notes state that the Fish Resources Management Act is being amended to the effect that an area of Western Australian waters cannot be set aside as a fish habitat protection area in a marine nature reserve, a marine park or a marine management area. I think I understand the reason that would not happen in a marine nature reserve and probably in a marine park. What is a fish habitat protection area and why is it mutually exclusive to anything in a marine conservation reserve?

Mrs EDWARDES: This falls within the Fish Resources Management Act, part II, division 1 which deals with the fish habitat protection areas. Section 115 outlines the area which may be set aside as a fish habitat protection area. The purposes are for the conservation, protection of fish etc; the culture and propagation of fish and experimental purposes related to culture and propagation, and the management of fishing activities relating to the appreciation or observation of fish. Therefore, where a marine reserve park or marine management area is established, the waters cease to be a fish habitat protection area. That will address any confusion about vestings and the level of responsibility. We are picking up the conservation protection aspect. It is very difficult when an area falls within two responsibilities, and this will clarify the situation.

**Clause put and passed.**

**Clauses 56 to 60 put and passed.**

**Clause 61: Section 23A inserted -**

Dr EDWARDS: We are now dealing with amendments to the Pearling Act. The notes on this clause relate to new leases, licences and permits. The phrase used is "unless the Minister responsible for the administration of the Conservation and Land Management Act approves the granting of the lease, permit or licence". The word "approved" is not as strong as some of the other words that the Minister for the Environment notes when dealing with her other ministerial colleagues. My comments here are similar to those made earlier about the information or the advice the Minister for the Environment provides compared with the information and advice or recommendations that the Ministers for Fisheries and Mines provide.

Mrs EDWARDES: I do not think that I can add much more. I am aware of the concerns and issues. I hope that the level of support for this legislation reaching this stage will ensure that we work together. Proposed section 23A(2)(b) approves the granting of the lease, and this gives the Minister for the Environment complete control.

**Clause put and passed.**

**Clause 62: Sections 27A and 27B inserted -**

Dr EDWARDS: The clause notes state that a licence or permit will run until its designated expiry date. How long will the licence run, given that some other licences referred to in other parts of the Bill will run for 21 years?

Mrs EDWARDES: I will provide that information.

**Clause put and passed.**

**New clause 63 -**

Mr PENDAL: I move -

Page 75, after line 29 - To add the following new clause -

**PART 8 - AMENDMENT TO THE *ENVIRONMENTAL PROTECTION ACT 1986***

**Section 110A inserted**

**63.** After section 110 of the *Environmental Protection Act 1986*, the following section is inserted -

**" Information to be presented to Parliament**

**110A.** Where an appeal is lodged in accordance with this Part, and the Minister accepts all or part of the recommendations of an Appeals Committee, the Minister shall cause the full report of the Appeals Committee to be laid before each House of Parliament within 6 sitting days after the receipt by the Minister of the report of the Appeals Committee. "

This amendment is a logical extension to CALM's environmental policies prior to the 1993 election. A formalised appeal mechanism was committed to in 1992 and has been acted on in Parliaments since 1993. Section 100 of the Environmental Protection Act, which I seek to amend, was amended in 1994 and I think entrenched most of the promises made at the time.

One of the additional undertakings in 1992 was for more transparency - and at a later stage in Committee I will state where that promise was made. The inclusion of this new clause will provide the transparency which was part of the coalition's 1992 promises but which up until now has not existed. The amendment will for the first time formalise the requirement for the report of an appeals convenor to be made public and to be laid on the Table of this Chamber. The Environmental Protection Act already provides that the recommendations of the EPA be subject to the Minister for the Environment's approval or disapproval; that was always its intention and I have no difficulty with that. However, in amending the parent Act and formalising those appeal mechanisms that transparency is not being carried through to the appeal stage. When I discussed this with the Minister in the corridor some weeks ago, she indicated that as a matter of practice she already makes convenor reports public. That is commendable, but the day will arrive when we have a Minister who is not committed to that transparency and he or she will decide not to make those convenor reports public.

This amendment does no more and no less than make public the appeals mechanism by which a Minister varies his or her decision. That is the intention of the amendment, and it was certainly the intention of the coalition in 1992.

Dr EDWARDS: The Opposition supports the amendment. Much of the debate during the second reading and Committee stages has emphasised the complementary role the Environmental Protection Authority will have during particular stages of developments once the Marine Parks and Reserves Authority is established. We are often told that the EPA's assessment of the granting of exploration licences and permits is extremely important and that the EPA is an important safeguard and protector of the environment despite interim plans and management plans for these areas.

The Opposition supports the amendment because it will make the issues involved in appeals transparent. As the member for South Perth said, the Minister has made available much information which was difficult to get hold of in the past. Although what is proposed in this amendment either already happens or is about to happen, the amendment will strengthen the process and reassure some members of the community. I am certain that in the future people will think that marine parks are the same thing as national parks, when they clearly are not. Their design now permits a whole range of activities which would not be allowed in national parks.

The Opposition cannot move any more amendments to improve the work already being done; in fact, the Opposition generally supports what the Government is doing. However, the Opposition believes this complementary amendment will not only help the EPA but make it accountable.

Mrs EDWARDES: I support absolutely the sentiment behind the amendment. The more information we can get out to people, the better things will be for everyone, particularly when dealing with an issue such as the environment, which impacts greatly on people's lives. However, the amendment is too narrow for what the member seeks to achieve. Section 108 of the Environmental Protection Act deals with the composition of the appeals committee and states -

An appeals committee shall consist of one person who has, or 2 or more persons at least one of whom has, expertise in environment matters.

It then goes through the procedure of appeals committees.

The majority of appeals are not done through an appeals committee; therefore, this amendment will not achieve what the member for South Perth really wants to achieve. However, I assure the member for South Perth that the sentiment

of his amendment will be picked up in two sets of amendments to the Environmental Protection Authority Act - one which will definitely be coming to this Chamber this year and the other which hopefully will be introduced this year. I would like to work through this proposal with members opposite when the Chamber deals with those two proposed sets of amendments. The government is hoping to examine the whole machinery provisions of the EPA Act to ensure a better level of accountability and transparency, particularly in the changes to the Planning Act. Some anomalies arise in that area when subject to appeal. We must consider how to get that information out into the public arena, rather than having people chasing the information.

The matter the amendment addresses is already being considered by the Government and I am personally committed to it. I acknowledge the member's sentiments but this amendment will not achieve what he wishes to achieve because the appeals committee rarely releases reports and when it does, it does not get all that information out to the public. I will work through that matter with the two members who have spoken when we consider the amendments to the Environmental Protection Act, which will be introduced later this year.

Mr PENDAL: I thank the Minister for her explanation, but I cannot accept it. Are we not talking about an appeals committee which is constituted, for example, by the appeals convener who currently deals with the Minister's appeals?

Mrs Edwardes: Not, not necessarily. Under section 101 an appeals committee can be appointed to consider the particular aspect of the appeal, but the majority of appeals which the Minister determines through the appeals convener are exactly that. It is not done through the formal determination of an appeals committee, which has to be established under the Act.

Mr PENDAL: Does section 108 provide for the setting up of a one person appeal mechanism?

Mrs Edwardes: Yes, it does.

Mr PENDAL: That is why I intend to pursue my amendment as it will, when read in conjunction with section 108, bring about what I want to achieve.

I do not know the extent to which the Minister's rejection of this amendment has been influenced by any concern she has that the Bill as amended in this place must be returned to the other Chamber. The Minister would know - if not, I remind her - that if the Bill were amended on this one clause alone, the other place could deal only with that one amendment. Despite the new constitution of the upper House, it could not resubmit other clauses. If this rejection by the Minister is driven by any concern about the Bill returning to the other House, the concern is unnecessary.

Mrs EDWARDES: Not accepting the amendment has nothing to do with the Bill returning to the Legislative Council. I have been here long enough to understand the operations and procedures involved. The appeals convener does not operate as a standing appeals committee even though it involves that one person.

Mr Pendal: Why is that the case?

Mrs EDWARDES: The Minister would need to directly apply the process on every appeal for it to operate as a standing appeals committee. He does not operate as an appeals committee as such.

Mr PENDAL: I am surprised to hear that, as it is not what Parliament intended in 1993. Surely Mr Hopkins is appointed at all times under the provisions Parliament laid down? If not, under what circumstances has he been appointed?

Mrs EDWARDES: I do not know the reasons for the system operating as it has, but we are currently reviewing the entire machinery of the operation. It would be logical to include that narrow aspect to which the member refers as part of the review. In the past three years, from memory, only one appeals committee has been directed. Therefore, the member's amendment will not achieve his intention. It would be far more logical to consider the member's proposal and sentiment while picking up the concern of the member for Maylands in considering the drafting of the new provisions. I know what the member wants, and I think we can agree on changes. It would be far better to consider it when looking at the entire machinery of the appeals operation and link it with the new planning legislation as well. We can improve upon its operation in that way, rather than accepting an amendment now which is very narrow and will not achieve the member's wishes.

Mr PENDAL: The Minister keeps saying that the amendment is narrow, but she has not explained how it is narrow. Saying it is narrow does not make it so. I thought the amendment was rather broad. I had some concerns in the last week or two of the recess that if it were to be criticised at all, it would be on the grounds that it was broad.

I may have completely misread all the changes made by the then Opposition in 1992, but I do not think so. What surprises me in this debate, as outlined in the last few minutes, is that the appeals convener is not appointed by the

Minister under the provisions of the Environmental Protection Act. I am stunned to learn that that has been the case for three or four years. I am even more amazed that we appoint the convener outside the statutory provisions which this Parliament laid down both in 1993 in amending Bill No 73 and in 1996 in amending Bill No 23. I am stunned to learn that the provisions of the Environmental Protection Act have not been used, as that was the point of the amendments to the Act. A Minister of the Crown cannot say, "I will use this informal appeals mechanism because it works well and he is a nice and competent person." Those latter statements are correct, but one cannot have an informal mechanism of appeal and ignore what is contained in section 100 of the Environmental Protection Act.

I am in a cleft stick as we cannot talk too much about the Environmental Protection Act as we are not amending it; however, we will not amend the long title of the Bill unless I can have this first amendment agreed to. That makes a difficulty.

How have we conducted appeals since the change of government and the change of law when using an informal mechanism by which we appoint the person about whom we have spoken outside the provisions of the Environmental Protection Act?

Mrs EDWARDES: The Minister has the power to determine appeals and those mechanism are outlined in the Act. Appeals under section 106(c) are against a decision of the Minister. The Minister can appoint an appeals committee to consider and report to him or her on the appeal. Therefore, one has a second mechanism in dealing with an appeals committee if someone wanted to appeal against a decision of the Minister. Two stages are outlined within the Act as it stands.

Mr Pental: I am talking about appeals against EPA recommendations; I refer to section 100 of the Act which states specifically that "Any decision making authority. . . which or who disagrees with the decision of the Authority" may take certain action. That authority is the EPA. Therefore, that becomes the mechanism by which the Minister must appoint an appeals convener. Appointing an appeals convener in an informal way, as it appears the Minister has been doing, might well be contrary to the Act.

Mrs EDWARDES: Extensive advice has been received that it is not contrary to the Act in its operation. As I have indicated, I am currently looking at the entire machinery, and the process of appeals is included in that consideration. I can reassure the Chamber that it is not contrary to the Act. The section to which the member referred relates to the power of the Minister in respect of appeals lodged under section 100 - the single section. The application of the other appeals sections are much wider.

I reiterate my commitment that I will pick up the sentiment of the members opposite, particularly the member for South Perth, in the deliberations on the entire machinery of the appeals process. We will come back to him and the member for Maylands in working through the whole operation. The issue is much broader than the matters before us at the moment. We need to ensure a greater level of access is available for members of the public to the information across the board, not in its disparate parts. The way in which the appeals convener operates and his powers, along with the occasions upon which an appeals committee should be established, need to be clearly identified. We must work through those issues very carefully and with a great deal of consideration. I will inform members in respect of that given their level of interest in this area.

Dr EDWARDS: Like the member for South Perth, I am somewhat surprised at what is eventuating. I assumed when I read section 108 of the Environmental Protection Act that the appeals convener could be defined as a committee because it makes reference to the one person who has expertise in environmental matters.

Mrs Edwardes: And he could be.

Dr EDWARDS: Prior to the election, the Opposition suggested changes to the environmental appeals mechanism, and the response from the Minister was swift and damning. However, that added weight to the conviction that a very legalistic mechanism was already in place.

I believe the amendment still has merit, and I hope the Minister will consider it now and in the future. My experience of an appeals committee relates to getting all the parties together, particularly when the matter is controversial and new information is coming in after previous decisions. This was not after the Minister's decision; it related to a section 46 appeal. In that case the committee was extremely valuable.

I am aware that the Minister is moving to have the appeals convener's information made more readily accessible to the public. That is not the issue because everyone who appeals receives a letter setting out the grounds of the appeal and the reasons it was either dismissed or upheld. However, in my experience, the deliberations of the appeals committees are held behind closed doors and it can be very hard to work out the reasoning for the final decision despite any input the community might have had along the track. I urge the Minister to accept that this amendment has merit. The Opposition is still more than happy to support it.

Mr PENDAL: I am the first to acknowledge that the system under the current Minister - I do not know about her predecessors - is transparent because she has chosen as a matter of ministerial policy that it will be. I have said privately, and I say here for the record, good on her for that. It is the exception rather than the rule that a Minister would subject herself or himself to that extra test of transparency. I have not been involved in any cases; I simply learnt of that when the Minister told me some weeks ago in the corridors. Of course, people in industry, the conservation movement or interested members of the public are able to track the reasons for a ministerial decision because of the transparency of the appeal document. That is why I am the first to commend the Minister for doing what she has done as a matter of policy.

However, she might lose the confidence of the Premier tomorrow - I am sure that she will not - and be replaced by someone who is not as committed to transparency in the processes. That is why I am reluctant to let the matter go this easily. I am pleased that, notwithstanding the Minister's assurances about what could happen in the future, the Opposition will vote for this amendment. Therefore, I will probably take it to a division.

I am puzzled about what has been a revelation to me. I ask the question again: How can one have an appeals convener appointed informally, as is the current convener, when the procedures in part VII of the Act are not being followed? If we do not have a law about what colour monkey people can keep and a ministerial decision is made that one can keep any coloured monkey, that is one thing. However, if the Parliament passes legislation providing that one can keep only green monkeys, the Minister does not have any discretion to say people can keep pink monkeys because Parliament has removed that discretion.

Parliament has already removed the Minister's discretion to appoint an informal convener, such as the current incumbent. I am sure that he performs his duties in a very competent manner; in fact, I have not heard any serious criticism of him. However, since 1993, he has not been able to be appointed in that informal manner; since then it has been a very formalised structure. That is my dilemma at the moment. It does not affect my desire to see the amendment passed by the Committee and sent back to the other place. It is another question entirely whether we make the process officially and formally transparent, which is what I am seeking to do. Unless someone can prove the contrary, I believe the Minister no longer has the capacity to appoint the appeals convener informally; she must appoint the convener and call him a "committee" as provided in section 108 of the parent Act. There is simply no room for discretion on the Minister's part in the way the appeals mechanism is used.

Mrs EDWARDES: Appeals are to the Minister and the Minister is the decision maker in respect of those appeals. In certain circumstances, an appeals committee can be formed. Accordingly, the appeals convener can operate as an appeals committee. Both methods are permissible under the Act. Therefore, it is generally not limited to the appeals committee -

Mr Pendal: Where in the Act is it provided that you can appoint the convener the way you do now?

Mrs EDWARDES: I cannot quickly identify that for the Committee.

Mr Pendal: We all now know how the Minister appoints an appeals committee, because part VII of the Act, sections 100 to 109, defines that very clearly.

Mrs EDWARDES: During the third reading I will advise the House in relation to that. However, the appropriate way of dealing with this amendment and the sentiment behind it, which should be much broader than at present, is to work it through in light of the amendments to the whole machinery of the appeals operation in the forthcoming amendments.

Mr PENDAL: I will not pursue the matter beyond that. I am pleased to have that commitment and that the Minister will advise members of that during the third reading. Notwithstanding that, I still ask the Committee to pass this amendment because it does nothing more than formalise and make a statutory obligation that which the current Minister does in an informal way or as a matter of policy.

This amendment will enhance the contents of the Environmental Protection Act. Furthermore, given that we are debating a mechanism to set up a system of marine reserves and other offshore environmental areas, and once this good piece of legislation becomes law, as we go through the process in the months ahead the transparency of the process will be more important. If we do not have that level of transparency when we start out on something quite historic we will grossly undermine the value of what Parliament is now doing, and what the Minister is seeking to do. The Minister has achieved in a short time what no other Minister has been able to achieve with the coalition's policy on marine national parks. However, it seems that she devalues her own currency, by not being prepared to accept an amendment that will enhance the job. The new authority will have a difficult and sensitive task in setting out our offshore environmental assets. For those reasons I commend this amendment to the Committee. At the same time I acknowledge the Minister's commitment to a review.



New clause put and a division taken with the following result -

Ayes (19)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Constable  
Dr Edwards  
Dr Gallop

Mr Grill  
Mr Kobelke  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale  
Mr Pandal

Mr Riebeling  
Mr Ripper  
Mrs Roberts  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (31)

Mr Ainsworth  
Mr Baker  
Mr Barnett  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Mr Court  
Mr Day  
Mrs Edwardes  
Dr Hames  
Mrs Hodson-Thomas

Mrs Holmes  
Mr House  
Mr Kierath  
Mr MacLean  
Mr Marshall  
Mr Masters  
Mr Minson  
Mr Nicholls  
Mr Omodei  
Mr Osborne

Mrs Parker  
Mr Prince  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Bloffwitch (*Teller*)

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Pairs

Ms MacTiernan  
Mr Graham

Mr Cowan  
Mr McNee

**New clause thus negatived.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

**FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL**

*Second Reading*

Resumed from 1 May.

**MR GRILL** (Eyre) [4.49 pm]: The Opposition supports the Bill, which is a companion Bill to the Acts Amendment (Marine Reserves) Bill, which we have debated at some length. It was originally thought that those Bills would be dealt with concurrently. I am not exactly sure why a cognate debate did not take place.

Mr House: I understood from the opposition Leader of the House that you would not agree to it.

Mr GRILL: I think there was a slight misunderstanding. I do not think the Opposition had any objection to a cognate debate; it could have taken place.

Mr House: I am sorry if that is the case, but that was the message I understood.

Mr GRILL: On the face of it at least, this is a simple Bill which should not require much debate. I understand that it is one of two Bills subject to the guillotine this week. If debate on this matter does not go on for very long, I am not sure which legislation we will be debating. Although it is a simple Bill it deals with compensation, and compensation is about money. At the end of the day, anything relating to money is bound to be complicated.

As I said, the Bill provides for compensation to be paid to fishermen and people related to the fishing industry in certain circumstances foreshadowed by the Acts Amendment (Marine Reserves) Bill, which we have just debated. Clause 5 of this Bill sets out the circumstances which may give rise to the mechanisms by which compensation will be paid. Neither the mechanisms nor the circumstances are particularly complicated if taken in the broad. How they will work in practice is another matter. I will ask during Committee whether sufficient safeguards are in place, especially regarding rights of appeal. That is the area in which the Opposition has significant questions.

The Fishing Adjustment Compensation Tribunal will decide payment of compensation in the event that agreement is not reached between a fisherman, a fishing body or a fishing associated body on the one hand and the Minister on the other hand. That tribunal will not be established under this legislation because it was established under the Fisheries Adjustment Schemes Act 1987. I was probably the relevant Minister in those days, although I do not recall all the details of the Act.

This Bill correctly contemplates that certain activities under the marine reserves Bill will adversely affect the fishing and related industries. When we use the word "fisheries" we are referring to a range of industries including aquaculture, commercial fishing, pearling and hatcheries management. It is a fairly wide definition. Under the marine reserves Bill a hierarchy of marine conservation areas is established. At the top of that hierarchy is marine nature reserves, second is marine parks and third is a new category of marine management areas. This legislation relates to that hierarchy, but primarily to marine parks and marine management areas.

By and large, will commercial fishing be excluded from marine nature reserves?

Mr House: Yes; a consultative process outlined in the other legislation must be gone through before a decision is made.

Mr GRILL: Within that hierarchy is a subhierarchy including marine parks and marine management areas, sanctuary zones, recreation zones, general use zones and special purpose zones. These areas have attached to them specific importance depending on their position in the hierarchy. I understand commercial fishing will be excluded from sanctuary areas. That makes sense. I understand commercial fishing will also be excluded from recreation areas.

Mr House: That is correct.

Mr GRILL: However, I understand that fishing will be allowed under certain circumstances subject to certain planning approvals in general use areas and in special areas.

Mr House: Yes. Part of that process, which is affected by this legislation directly, includes a phase-out period for commercial fishing in an area to allow it to continue for a period rather than be paid compensation. The phase-out time may be on the basis that a licence is not transferable. Therefore, it would end with the termination of that person's need or desire to fish.

Mr GRILL: It is a couple of weeks since I was involved in debate on the marine reserves Bill and I cannot remember whether fishing will continue at all in sanctuary zones. It will cease immediately, will it not?

Mr House: That is correct.

Mr GRILL: I think fishing can be excluded from current marine conservation areas or from new conservation areas.

Mr House: That is right.

Mr GRILL: That will be done in association with the approval of the Minister for Fisheries in accordance with planning procedures laid down under the Acts Amendment (Marine Reserves) Bill. The Minister for Fisheries will have a pre-eminent role in that process. The fisheries legislation will in truth have a form of primacy; that is, although not expressed in these terms, the Minister for Fisheries will have the right of veto on the establishment of new reserves. He will also have a right of veto on new management plans.

Completely different criteria will apply to mining and petroleum exploration and production in the hierarchy of areas to which I referred.

The events that can give rise to compensation are set out in clause 4 of the Bill. At this stage it is not appropriate for me to go through the provisions of that clause. The primary cause to trigger the compensation provisions is the coming into operation of the marine reserves Act to which I referred. Other provisions which can trigger the compensation provisions relate to actions under the Conservation and Land Management Act, the setting up of new or amended management plans, the setting up of substituted management plans or the reclassification of a particular reserve, which is within the hierarchy I outlined to the House.

Compensation is paid for any loss. The Bill actually states "any loss suffered". At the end of the day it would be a matter for the Minister. In the event of an agreement not being reached between the Minister and the fishing interests, it would be up to the tribunal to make a decision on whether any loss was suffered. In the event it is found there has been a loss, the fishing interests would have the right to ask for and receive compensation.

Compensation is paid on the basis of the loss of market value of an authorisation. An authorisation is defined in clause 3 of the Bill and includes an aquaculture lease, an aquaculture licence, a commercial fishing licence, a fishing boat licence, a fish processor's licence, a managed fishery licence and an interim managed fishery permit. It can apply

to a farm lease, a hatchery licence, a hatchery permit, a pearling licence or a pearling permit. Where any of those permits, licences or leases suffers a loss of value, and the value is specified as a market value, compensation can be paid. It is interesting to note that the market value will be the criterion for loss. It may be possible under the legislation for a fisherman or fishing interest to lose part of their licence, permit or lease and not suffer loss because there is no market value loss. This might be the subject of further debate, but I raise it with the Minister now.

I recollect that when I was Minister for Fisheries there was a 10 per cent pot cut and the current Minister for Fisheries went through a similar process at a later date.

Mr House: In my case it was 18 per cent.

Mr GRILL: That is correct. It caused considerable controversy and it was a bit traumatic for the people involved in the process, including the Director of Fisheries and others. It was maintained that despite the 10 per cent, and later the 18 per cent, pot cut the fishermen would not suffer a market value loss. By and large that proved to be correct. Pots are very valuable and their value has dramatically increased in recent years. However, as soon as the number of pots is reduced the value of a pot increases. At the end of the day, although they had lost 10 per cent and later 18 per cent of their pots, the actual loss suffered in terms of the market value of the licence, lease or permit had not diminished. I can imagine circumstances where a part of a licence, permit or lease may be lost and a fisherman may not suffer a loss as set out under clause 5 of the Bill because the market value of the pots, licence or lease might remain the same. The technical word for all of that is an authorisation. Therefore, the market value for the authorisation could remain the same notwithstanding all of that.

It is clear from the Bill that the Minister and the Government have endeavoured to set out any circumstance in which there could be a loss of market value of an authorisation. The legislation specifically states there is a loss of value where an authorisation is less viable, no longer renewable, or only renewable subject to certain conditions, or where new conditions are applied to the authorisation. It is a wide spectrum of circumstances within which loss can be sustained. I congratulate the Minister on endeavouring to make that spectrum as wide as possible. I have found in my practise of law over many years that it is very hard to determine or forecast where losses will be sustained in any particular industry or circumstance. The more embracing one makes a situation, the better off one is.

Under the provisions of this Bill it is incumbent upon the Minister in the planning process of setting up either a new marine conservation reserve or a new management plan to make an assessment of the amount of compensation that would be payable for a loss of value of an authorisation. The Bill provides the possibility of wide consultation in determining who might be affected and what the compensation will be. An onus is placed on the Minister not to give his approval to the establishment of a new marine conservation reserve unless an estimate has been made of the amount of compensation that will be payable in the event that it is established. As soon as the approval procedures are in place the onus is on the Minister not to approve one of the new marine conservation reserves unless he is satisfied that the estimated amount of compensation has been made available by the Government. The Minister has two responsibilities - firstly, to estimate the amount of compensation payable and, secondly, to determine, to his satisfaction, that that amount of money is available. Does that correctly set out the procedures?

Mr House: I will address that in my response to the second reading debate.

Mr GRILL: That could become quite complicated. Just how those mechanisms will operate cannot be set out in this legislation. It might be worthwhile for the Minister to explain how they will operate. I presume he must consult closely, first, with those who would be affected; second, with the Fisheries Department; and, third, with Treasury. I know a compensation fund is in place, but I presume that ultimately Treasury must make some of these funds available. The Minister has volunteered to give some explanation on that score in his response to the second reading debate, and I will be happy to hear that. I am sure members on this side of the House who have an interest in this legislation would be similarly inclined.

The procedure I explained for the setting up of new marine conservation areas applies also to the implementation of the new management plan in the hierarchy of reserves to which I referred. That is, the Minister must make a determination on the amount of compensation that may be payable and he must be satisfied that that amount of compensation is available in the fund. I presume that in the event the Minister is not satisfied on either of those scores, he would exercise his right to veto and he would not give his approval for the scheme to go ahead. That is not written into the legislation, but it is implied in the second reading speech. Clarification of that matter would be worthwhile.

When I spoke on the Acts Amendment (Marine Reserves) Bill I said the Bill was an attempt at conservation with a range of checks and balances built in. A number of other members on this side of the House made similar remarks. Primacy is given in that Bill to fisheries legislation. Substantial checks and balances were placed in the hands of the Minister for Fisheries to be exercised on his behalf. The Acts Amendment (Marine Reserves) Bill is very much

compromise legislation. The compromise is based on the competing interests of fisheries, conservation interests, and the interests of miners and petroleum explorers and producers. The legislation was drafted on the basis that the Ministers representing those three areas would come to a compromise. I said also during the debate that if they all got together and decided to go either one way or another, those interests could effectively be wiped out or negated. Those involved in petroleum interests in particular said that if a Government made decisions in Cabinet that were particularly green or antidevelopment, for instance, an industry could be wiped out in a specific area. Those remarks are correct. This legislation will work effectively only as long as those competing interests are properly reflected and represented. On the one hand, if a Minister for Resources Development lay down on the interests of the mining and petroleum industries, those industries might be excluded from large areas of marine reserves. On the other hand, it could go the other way for conservation interests.

The legislation contains a range of checks and balances. One of the checks and balances that is firmly in the hands of the Minister for Fisheries and that would be exercised under the Fishing and Related Industries Compensation (Marine Reserves) Bill would be the right to exercise that veto in the event that he thought the establishment of a new reserve was not in the interests of either the conservation industry or the fishing industry, or that proper compensation either had not been assessed or was not in place.

Funds for compensation are to be specially credited to the fisheries research and development fund. That fund was set up some time ago and is in operation now. It is a fund over which no doubt the Minister has jurisdiction and that he uses from time to time. The second reading speech states also that this legislation is an endeavour to give certainty and clarity to all the interests to which I referred and to give certainty and clarity on the rights and obligations of, and the right to compensation by, persons involved in the fishing industry. The right to compensation is triggered under those sections of the Act I have mentioned; however, it is contemplated under the Act that there would be agreement in the majority of cases on the amount of compensation to be paid. That agreement would be reached between the fisheries interests on the one hand - whether they be a hatchery or aquaculture permit, or a fishing licence - and the Minister on the other. No doubt officers of the Fisheries Department would negotiate on behalf of the Minister. I do not know whether Treasury officials would be involved; perhaps the Minister could elucidate that later.

A process of negotiation would be involved. I presume a discrete section of the industry would be marked out when dealing with a specific geographic area. Whether those negotiations take place on a one to one basis or on an industry-wide basis is of interest. However, I presume the Minister would endeavour to negotiate on an industry-wide basis in the first instance and, for the sake of equity, would endeavour to bring down a compensation system that would apply equally across the board.

The right to go to the tribunal appears to be in the hands of the individual. I do not know whether the tribunal will entertain class actions or applications by individuals. This legislation seems to contemplate everyone having the right to bring an action before the tribunal. The Minister might explain how that works. Perhaps there is not enough experience with its operation to give a full explanation at this stage. The tribunal will be brought into the process only when there is no agreement between the Minister and the applicant for compensation. The second reading speech states that the Minister might agree to compensation in conjunction with a formal fisheries adjustment scheme.

Certain fishing industries have been rationalised in the past, mainly in circumstances of overfishing and too many licences, by setting up a formal fisheries adjustment scheme. They have been working in the fishing industry for quite some time and by and large they work fairly well. I remember setting one up in the shark fishing industry and, more generally, in the wet fishing industry. I know the Minister has been involved in a number of those schemes. They appear to have worked well, and an interesting juxtaposition is being contemplated whereby the tribunal or a compensation scheme may work in conjunction with a formal fisheries adjustment scheme. It will be interesting to see how a tribunal will handle that, and I do not know whether there is any experience of a compensation scheme operating in tandem with a formal fisheries adjustment scheme. A formal fisheries adjustment scheme is a form of compensation for loss of licence and, therefore, it will not be a concept alien to either the Minister or the tribunal. Over the years, the fishing effort in a range of fisheries has been either underestimated or increased due to technology. Unfortunately, in some cases the Fisheries Department has overestimated the stocks of fish in certain areas and has allowed overfishing to take place. It is certainly the case that new technology has resulted in a number of instances of overfishing. The reason for the cutback in the number of pots in the rock lobster industry and other restrictive measures introduced by various Ministers, is that technology has made fishing much more efficient for the fishermen.

I have often wondered why the process of compensation for fishermen and people in the fishing industry is so well developed, and yet there is no compensation in similar circumstances for farmers. Farmers might like to take action, or it might be prescribed that they take action, in respect of environmental matters. They might like to retain certain bushland or it might be prescribed that they may not clear certain bushland under the Soil and Land Conservation Act. I understand that in those circumstances farmers do not receive compensation and that has always seemed unfair whether they take action voluntarily or as a result of coercion under certain legislation. I have one or two farmers

in mind in connection with that. In fisheries there is a very well developed system of compensation when loss of viability is suffered, even if it is a small loss, by a fisherman. However, a farmer taking similar steps to retain virgin forest, bush or land is not placed in the same circumstances. We would probably be better off if this sort of compensation procedure were in place in the farming industry. Farmers would be prepared to go ahead with conservation with a great deal more alacrity than they now are if they were compensated by a system similar to that which operates in the fishing industry.

I foreshadowed a while ago that I have some concerns about the right of appeal. I understand from reading the Bill that compensation will be triggered only when the Minister notifies the person or company affected that a relevant event has occurred. Clause 6 provides that the Minister must, as soon as practicable after a relevant event occurs, cause notice to be published informing affected persons that the relevant event has occurred, the nature of the relevant event, that affected persons may apply to the Minister for compensation, and how, when and in what form affected persons may make an application. It appears a person has no right to compensation until the Minister has caused a notice to be published that a relevant event has occurred.

Mr House: That is basically correct.

Mr GRILL: That places a lot of discretion in the hands of the Minister. The Minister may decline to issue such a notice, even though a person may believe he has been adversely affected by a conservation measure. As I said earlier, it is always hard to foresee future events and, as a practitioner in law, I have always had the view that it is impossible to foresee future events to the extent that provision can always be made for them. In future there could be considerable debate as to whether the Minister should issue a notice indicating that a relevant event has occurred.

Mr House: It is stated in the previous clause that the Minister must notify persons affected under clause 6. There is a requirement for the Minister to inform affected persons and it is not just an option.

Mr GRILL: I agree, but the way in which the Minister foresees his obligations in that respect could be open to interpretation. I do not detract from the Minister's point, but there is no right to compensation until the Minister issues that notice. Is that the case whether or not the Minister is bound to do it?

Mr House: I do not think the Minister has any option but to notify the persons and publish that notice.

Mr GRILL: A situation might well arise in which a fisherman considers the management plan affects him but the Minister and his advisers say it does not. The Minister has absolute discretion as to whether to issue a notice in those circumstances, and his failure to issue that notice would preclude that person from claiming compensation. The legislation contains no appeal mechanism. That situation could easily arise, and it is hard to foresee the exact circumstances in which it could arise. I am not saying the current Minister would take a very strict view of whether, for instance, a management plan, a new reserve or a new sanctuary area affected a certain fishery. However, arbitrary action by a Minister to decline to issue a notice might preclude a party from obtaining compensation.

Mr House: I do not interpret the clause in that way, although I am not suggesting you are wrong. I will take some further advice and let you know.

Mr GRILL: The Minister may also like to get some advice on the words "Executive Director's opinion" in clause 5(4) and (5), which give the executive director - not the Minister - a wide discretion in respect of issuing a certificate stating that the area has a proven history of being used for fishing. The Minister and I know that when we talk about a proven history, we can get into all sorts of murky waters. There is potential for conflict. I would be a lot happier if those subclauses provided for a right of appeal to the tribunal to assess not only the amount of compensation but also whether compensation should be paid.

The fishing industry in this State is very important and makes a huge contribution to the export effort. It is well managed, by and large, and it must be preserved, and it has been preserved in the past, with some exceptions. However, in this area of possible conflict, there should be some right of appeal to the tribunal. Apart from those misgivings, we support the legislation.

**MR RIEBELING** (Burrup) [5.33 pm]: I support the Bill. It is pleasing to have a debate on legislation that will improve the situation rather than the debate that we experienced a couple of weeks ago in this place. This legislation runs hand in hand with the Acts Amendment (Marine Reserves) Bill and is a worthwhile attempt to set out how compensation would be calculated if the new reserves that were established affected the operations of fishermen who have licences to fish within those zones.

As the Minister will know, I am interested in the crayfishermen who operate in the Dampier Archipelago. Will the crayfishermen who take northern rock lobster be able to apply for compensation under the definition of "authorization" in clause 3?

Mr House: The process of establishing a marine park must first take place; that is not yet the case in the Burrup Peninsula. If that process had taken place, rock lobster fishermen who faced the prospect of being excluded from fishing in that area, for whatever reason, would qualify under this legislation.

Mr RIEBELING: Are they included in the categories listed in clause 3?

Mr House: They would qualify, provided the other things fell into line.

Mr RIEBELING: I am concerned that a crayfishing licence does not appear to be included in that definition.

M House: That is covered.

Mr RIEBELING: I am pleased to hear that. I understand the member for Eyre's comments about the actions that may be taken by the executive director under clause 5(5) and (6). The rock lobster fishery contains two groups of people: People who fish for rock lobster, and people who have licences but do not use them. Subclause (5) states -

Subsection (2)(e) does not apply to a person unless the person obtains a certificate from the Executive Director stating that in the Executive Director's opinion, the area has a proven history of being used for fishing under the authorization.

It appears to me that the executive director's opinion will be based on an overall industry assessment and not necessarily an individual assessment, because it does not say "an applicant". A similar situation applies to subclause (6). Therefore, people who had never used their licences would not necessarily need to get a certificate that said they had operated within the fishery. They would need only a certificate that said the area had a proven history of being used for fishing.

Mr House: It is primarily to cover broad area fisheries such as the west coast rock lobster fishery where, if we established a marine park, it might be quite difficult to ascertain the amount of loss that would accrue to an individual, whereas the loss would be easier to ascertain in the case of abalone fishermen who fished a couple of reefs.

Mr RIEBELING: If all the abalone were being taken from an area of Rottnest and five people had a licence to fish in that area but only one person was doing so, and if it were determined that people could no longer fish in that area, could those five people make a claim for compensation using the same certificate, because the certificate would relate to the overall use?

Mr House: Under the current Fisheries Act we have the ability to ask people to show cause why their licence should be allowed to continue. That is what we have done in Burrup with the present inactive rock lobster fishermen. If they have no catch history, their licence can be cancelled.

Mr RIEBELING: My reading of the clause is that for those people to claim compensation under this legislation they will have to prove not a history but that the industry has a value and they have gained a certificate, which is compensable.

Mr House: I will take further advice about that to ensure that what I am telling the member is accurate. If it is not, I will correct that situation when the Bill arrives at the other place.

Mr RIEBELING: I am not a lawyer, but my reading is that if that is the case with an applicant, that is fine, but the Bill does not refer to an applicant; it refers to the overall use of an area which will be no longer accessible. Knowing some of the professional fishermen as I do, if the opportunity to claim compensation is there, a lot will have a go at claiming it.

The member for Eyre touched on the question of the notification of an affected person. He indicated that the Minister has the power of veto over the areas being declared, which is fine. The member for Eyre indicated that the main people concerned were those in the fishing industry, environmentalists and those in the petroleum industry. He failed to mention the concern of the public about all this. I know the Minister is acutely aware of the public interest. Environmentalists do not always represent the interests of the public about what will happen in an area; in fact, quite often those two interests do not match up all that well. I am concerned more with public interest than the environmentalists' issue. The public is keen to preserve areas so it can use them, rather than have no-one use them. The Minister understands what I am saying. It may be the way the draftsman has worded the Bill, but it says that the notification will be published in a newspaper or fishing magazine which is circulated generally throughout the State or in such manner as is prescribed. The impact of these reserves on professional fishermen and how they operate is of great interest to the general public. The Minister will find, as he is probably aware, that if amateur fishermen especially know how professionals are supposed to be operating in an area, they will be the department's best policemen to keep an eye on fishermen, such as trawler fishermen when the use of trawl nets is prohibited in an area. Recreational fishermen will keep an eye on them like hawks, if they know what the Fisheries Department is trying

to achieve, and which areas are prohibited or requested to be left alone. In my area there may be 500 or 600 such policemen on the ocean, making sure the professionals are doing the right thing. The general public will be just as interested in the advertising of changes to the area and the like as the affected professionals in my area. Some areas may not have as controversial a coastline as that in my area, where people will be vitally interested.

The member for Eyre mentioned the tribunal. The Minister said that the make-up of the tribunal has not yet been determined. Will its composition be in another piece of legislation or regulation? Is it envisaged that the tribunal will comprise members of the industry?

Mr House: We will need a mixture of people from various walks of life. We will probably need some legal expertise on the tribunal, but that has not yet been determined.

Mr RIEBELING: My understanding is that no application can be made to the tribunal within 60 days of making an application to the Minister, to allow the Minister to make an order. If the order has not been made in that time, an application can be made to the tribunal. No application can be made until that 60 days has expired. Coming from a court background, I find clause 10 interesting. A person can go to the tribunal for determination, if the Minister and the tribunal fail to come to an agreement. If the Minister and professional fishermen cannot agree on the amount of money to be paid in compensation, the fisherman can go to the tribunal for determination. Clause 10 says that if a person goes to the tribunal, the Minister and the applicant can still negotiate, even though the application is before the tribunal, and they can come to a determination. It might never happen, but what would be the situation if an agreement reached on the day the judgment was handed down by the tribunal differed from that of the Minister?

Mr House: It happens in law courts every day, as the member will know from his experience. Out of court settlements occur every day when cases are in process. One last week involved a famous television personality. A settlement is made prior to the determination by the court. If it is not made prior to that, the determination by the tribunal, judge or magistrate, as the case may be, is the ultimate decision.

Mr RIEBELING: The Minister is right that in many civil actions that is the case. It may be rare, but if the Minister and the tribunal made different decisions, because paperwork or whatever became mixed up, would the Minister's decision override that of the tribunal or would the reverse be the case?

Mr House: I have just explained that it will not occur. This process is exactly the same as a court process. If a settlement were reached between the parties, it would take precedence. If the tribunal made a decision which was handed down, that decision would take precedence.

Mr RIEBELING: The Minister does not see any possibility of conflict?

Mr House: I do not.

Mr RIEBELING: The process to be put in place by this legislation will work. The compensation system is clear and based on the market value. As the member for Eyre has indicated, some of the lessons the Minister has learnt over the past number of years through being Minister for Fisheries could well be put in place for agricultural activities and perhaps solve a few problems in the Minister's broader responsibilities; for example, through a compensation package, clear compensation guidelines or pathways for farmers. I do wish the Minister the best with this legislation. I hope the couple of matters on which I have sought clarification can be sorted out in his response to the second reading stage.

**MR McGOWAN** (Rockingham) [5.50 pm]: Before I get to the substance of the Bill I place on record my congratulations to the President of the Legislative Council, Hon George Cash, and also I congratulate Hon John Cowdell on his election as Deputy President. I do not know Hon George Cash well, but I listened to what members in that House said about him, and I wish him well in his position. I know Hon John Cowdell quite well and I think he will do an excellent job. I wish him all the best in the future in that position.

The ACTING SPEAKER (Mr Ainsworth): I trust the member is not saying there is something fishy about their election to those positions and perhaps there should be some compensation for them! If that were the case, I would rule it as being not relevant to this Bill! I will allow the member to continue with his comments.

Mr McGOWAN: This Bill has relevance to my electorate of Rockingham, which is surrounded on three sides by the ocean. Fishing is an important industry in my electorate, as is recreational angling. It is known that Rockingham has the highest proportion of people engaged in boating activities, in not just the metropolitan area but the State. In fact, it is called the aquatic playground, which reflects the fact that angling and fishing play an important role in the life of the people who live in Rockingham.

This Bill is also pertinent to my electorate because the Shoalwater Marine Park is located on the seaward side of Rockingham, and will be extended in the near future. In the future I hope the Rockingham Lakes Regional Park will

be established on the land side of the city, thereby creating a city which is surrounded by reserves that are preserved for the future. I suppose the only spanner in the works is the Cape Peron outfall, which I have addressed on other occasions and will continue to address in the future with the Minister for Water Resources in an attempt to get an upgrade in the treatment level of that outfall for the obvious health and environmental benefits that will bring.

This Bill is also important to my electorate because the Australian Navy base is close to Rockingham. It plays a very important role in preserving Western Australia's and Australia's fisheries. I spent a great deal of time on Navy ships investigating fishing infringements. I have worked on some Navy patrol boats which ensured a degree of control over foreign fishing vessels in the north west. This surveillance plays a very important role in the preservation of our fishing resources. I applaud the efforts of the hard working officers and sailors of the Navy.

I place on record the case of Mr Adrian Templeman, a constituent of mine who at the moment is attempting to obtain crab fishing rights in the Comet Bay area. The Rock Lobster Industry Advisory Council has no objection to his plans for baited crab pots in the Comet Bay area, and I will be taking up this matter with the Minister for Fisheries who I hope will give favourable consideration to Mr Templeman's application.

This Bill sets out a scheme for compensation for those engaged in the fishing industry and other areas relating to fishing, who suffer some sort of a loss as a result of the declaration of a marine park or amendments to plans for marine parks or conservation and land management reserves. Clause 4 determines the events that can give rise to compensation in relation to marine parks. Clause 5 sets out six specific events for which compensation will be offered. Clause 6 sets out the process by which people can be notified of those events taking place. The remainder of the Bill details the procedural techniques by which compensation can be paid.

Having read the Bill, albeit quite swiftly, I seek clarification from the Minister about some matters of concern to me. I am not sure whether these matters have been raised with him yet. The first relates to the provisions in clause 4(c) covering the capacity for compensation to be paid when certain events take place. If overfishing occurs in marine parks or in the vicinity of marine parks, the Department of Conservation and Land Management may amend its management plan. I hope those who are engaged in overfishing in those areas will not be rewarded as a result of CALM changing its management plan. I am unable to determine whether these people can claim compensation in that instance. I seek an explanation of that point from the Minister and an assurance that some mechanism is in place to prevent that sort of thing taking place.

Clauses 3 and 5 detail the persons who can claim compensation. Under clause 3 which covers definitions it appears a large number of people in the industry can claim compensation. Perhaps the list in the legislation is not exhaustive or some may have been engaged in the extended fishing industry. I suppose someone who owns a fish and chip shop cannot claim compensation. I seek an assurance -

Mr House: Have you got a certain fish and chip shop in mind?

Mr McGOWAN: Did the Minister say in Ipswich?

Mr House: I did not say that. I just thought you might have one in mind.

Mr McGOWAN: No.

*Sitting suspended from 6.00 to 7.30 pm*

Mr McGOWAN: Does the Bill make provision for employees in the aquaculture industry or on prawning and fishing boats to be compensated should they be adversely affected by policies in relation to marine parks?

Mr House: No. This Government and previous Governments have always been aware of reducing the fishing effort without compensation where it was necessary to protect a fishery. That principle has been adopted over a long period. It is accepted by the fishing industry. We impose a combination of gear or time effort controls, and if necessary we use the existing fisheries adjustment scheme. However, fishermen have never been compensated because a fishery was declining per se.

Mr McGOWAN: I was seeking advice on whether the employees of those groups in the fishing industry will be compensated as a result of an amendment to a marine reserve.

Mr House: No.

Mr McGOWAN: The Minister in his second reading speech said -

A formal scheme may reduce the number of licensees or entitlements in the fishery and negate the potential for fishers displaced from marine reserves to increase pressure on, say, trawl species abalone or rock lobster



stocks, as the case may be, in another area of the fishery, with a resultant decrease in the viability of the fishery.

If a fisherman, abalone or rock lobster fisherman were excluded from an area, they might seek stock in another area in search of an income similar to that which they were enjoying before. I hope sufficient policing will ensure that the purpose of an amendment to a marine park to preserve fishing stocks is not lost by those fishermen depleting stocks in another area.

Mr House: I will reply when I sum up. I am surprised you did not pick that up during the briefing.

Mr McGOWAN: I am busy with electorate duties and miss out on things like that!

The Minister also said in his second reading speech -

If a proposal to establish a marine reserve, or create a zoning classification is likely to give rise to applications for compensation under this Act, the Minister for Fisheries will approve the proposal only on being satisfied that an estimate of the amount of moneys payable by way of compensation has been made available by the Government.

I presume that means compensation must be paid up-front before an amendment to the boundaries of a marine reserve takes place. If the compensation negotiations were drawn out and ended up in litigation, it could be a long time before the matter was resolved. I am concerned that will result in an unnecessary and unreasonable delay in the gazettal or declaration of a marine park. That should be addressed by the Minister because matters of private compensation should not hold up declarations of marine parks.

The Bill provides that there should be a determination of compensation, generally by agreement. However, it does not set out the basis of that compensation. I am sure the Minister will say that it should reflect fair market value. However, it is often difficult, especially with diminishing resources which are difficult to define, to determine a fair market value. Would a payment be based on the cost of a licence proportionate to an amount of time or on an assessment of overall lost profits from a fishery? The basis of the payment should be provided for in the Act or in the regulations so that courts or the tribunal can decide the compensation.

Clause 6(2)(a) of the Bill sets out the way in which people who may be affected by a declaration or amendment to a marine park are to be notified. That section also states that a person may be notified by a notice published in a newspaper or in a fishing magazine circulating generally in the State, or in such other manner as is prescribed. I have not seen any methods prescribed in regulations yet; obviously, that will occur in the future. However, placing an advertisement in a fishing magazine or in a newspaper which details someone's rights in relation to compensation for a loss is probably not sufficient to notify people. Some people may find out that way. However, a large number of people will not be informed of their right to compensation by a single advertisement in a fishing magazine or a newspaper circulating in the State. It is appropriate for the department to ascertain who will suffer a loss as a result of actions under this legislation or a declaration or amendment to a marine park or reserve and efforts must be made by the department to notify the people who are affected by such a declaration. They should be notified individually of something that may have a detrimental effect on them in this day and age when professional fishermen are known to the department and are registered. That is especially the case considering that the legislation places a time limit on applications for compensation and people may miss out because they were not aware that their rights were being impinged upon.

My other concerns deal with the subject of recreational anglers, of whom there are many hundreds in my electorate of Rockingham. I am particularly concerned about the effects that declarations of marine parks will have on them, especially the effects that the Point Peron sewerage outpour will have on the health of not only the people of Rockingham but also the marine life in the area. I am further concerned that the legislation does not refer to recreational anglers, of whom there are also a great many in this State. I am interested to see whether the Minister has proposals to deal with those people who will be affected by the declaration of marine parks.

**MR MARLBOROUGH (Peel)** [7.43 pm]: I want to bring to the Minister's attention a couple of areas of concern to the fishing industry and which should be of concern to the Minister. They are the Minister's role in determining whether somebody is eligible for compensation and the amount of that compensation. The Minister will tell me to read the Bill because it sets out the role he plays in determining the amount of compensation and that that determination can be appealed under the Fisheries Adjustment Scheme Act. Although that is so, in my opinion and in the opinion of the fishing industry it is still not appropriate for the Minister to have a role to play in some form of arbitration before that tribunal process.

This legislation also gives extreme powers to the executive director of the Fisheries Department. Under this legislation, he can determine whether people get an appropriate licence. Clause 5(5) states -

Subsection (2)(e) does not apply to a person unless the person obtains a certificate from the Executive Director stating that, in the Executive Director's opinion, the area has a proven history of being used for fishing under the authorization.

Subclause (6) states -

Subsection (2)(f) does not apply to a person unless the person obtains a certificate from the Executive Director stating that, in the Executive Director's opinion, the area has a proven history of being used for fishing under the related authorizations.

The Bill gives immense power to both the executive director and the Minister. A debate was held in the community after the state election about the way the former Minister for Planning made decisions, particularly when it could be argued that he was no longer a Minister of the Crown.

Mr Board: He was a good Minister.

Mr MARLBOROUGH: I am not making any assertions about whether he was good, bad or indifferent. As Minister for Planning, he had a right of veto over certain planning applications. However, there was a view in this State that he should not have had that power, particularly because he had announced publicly three months before the election that he would not be a candidate in the election. For a number of months after the election he continued to hold that position of Minister in a very important and powerful portfolio that could affect lives in the community.

This legislation gives the Minister for Fisheries the same power. The Minister for Fisheries will be in a position of conflict because at the start of the process he will be able to determine that an area is no longer acceptable to be fished. Following scientific evidence, the Minister may determine that a certain section of the coastline should not be fished by any rock lobster fishermen. Evidence may also recommend that the number of rock lobster vessels should be reduced so there is less impact on the rock lobster fishery. Therefore, the Minister will be involved in achieving an outcome. Because he is in charge of the portfolio, he will be able to determine that he wants no fishing in an area. That is his role and his duty with the evidence before him. However, in carrying out that role and having an objective, he will move out of the way business people who happen to be fishermen. He will be able to tell small business people, some of whom are not so small - in the main, people who own a fishing boat licence or a number of fishing boat licences - that they have to get out of the industry because he has scientific evidence which suggests that the industry cannot survive in those numbers. He sets off a predetermined position that automatically puts him in conflict with any compensation position he may try to meet. That could be tested in a court of law.

I am not reflecting on the Minister's integrity. I am not suggesting that he would not have the ability to come up with a fair and proper amount of compensation for each businessperson involved in the process. I am simply saying that if I were the fisherman who held that licence and I was dealing with the Minister for Fisheries, who was the same person who decided to downsize my industry and who therefore wanted to take my licence off me, I would not feel confident that I would receive proper consideration for compensation. I may have no reason to feel that, but that would be my feeling if I were that fisherman.

The legislation also deals with that aspect. That is why it will provide the fisherman involved with the opportunity of going through a tribunal process. I have highlighted the reason the Minister should exclude himself from determining the level of compensation and/or having any part in the compensation procedure. It would be far better for the industry if an independent tribunal were involved in the compensation processes right from the word go. Although Ministers for Planning must make decisions, for example, on applications for rezoning or new buildings along the coast, rarely in my time in Parliament have I seen a Minister for Planning who considers such decisions as taking away business opportunities from people. The argument I have heard in this House against Ministers for Planning is that they have misused their powers to delegate on the basis of doing someone a favour. I have never heard it said that they have diminished someone's ability to run a business. Usually it is argued that they have been able to look after a mate who is in business.

Mr Board: The Minister for Planning would make such decisions regularly in business in relation to shopping centres and precincts where people want to expand and cannot because of planning requirements.

Mr MARLBOROUGH: Yes. My experience is that rarely is a Minister for Planning accused of stopping businesses; often he is accused of assisting businesses to start. It does not matter what my opinion is on whether the present role of the Minister for Planning is correct. However, the Minister for Fisheries should take notice of the debate in Western Australia at the moment. Numerous reports on the State Government, particularly the Commission on Government report, have considered the Executive's accountability to this Parliament.

Mr House: You're not trying to compare me with the Minister for Planning, are you? I'm sure you're not.

Mr MARLBOROUGH: No, not at all. I think the Minister for Fisheries is a far smarter fish than the Minister for Planning will ever be.

The Minister for Fisheries leaves himself wide open in a sensitive industry because although this industry has a tremendous opportunity to grow in certain sectors, such as aquaculture, it also has the propensity to self-destruct. I believe Western Australia has one of the best, if not the best, managed fisheries in the world. The Minister in answer to a question during the Estimates Committee last week gave new information, of which I was not aware, that on one occasion last year his department put before him evidence that a certain sector of the industry should be wound back. However, the fishermen in that area subsequently convinced him that that scientific evidence was not correct. The Minister, rightly, decided to allow the fishermen more time to fish that area. He said openly that in retrospect that decision was a mistake. I congratulate him for his honesty. That is an even better example of what I see as the role of the Minister for Fisheries in the proper management of fishing stock. That should not be affected - it should not be even suggested that it can be affected - by the role the Minister may play in setting compensation. The Bill outlines the Minister's role in that process in clause 7, which deals with the application for compensation and in clause 8, which deals with the agreement on the amount of compensation. Clause 7(1) states that an affected person may apply to the Minister for compensation. I suggest that right from the word go a compensation claim should go to an independent tribunal. Subclause (2) states -

An application under subsection (1) must be made in the manner and form, and within the period, specified in the notice under section 6.

Clause 8(1) states -

If an affected person applies to the Minister in accordance with section 7, the Minister is to conduct negotiations with the person with a view to settling the amount of compensation payable to the person.

The Minister should reconsider his role in that. That matter should be in the hands of the tribunal. I would like the Minister to indicate whether he has similar concerns when dealing with such a sensitive industry. Not only is the Minister involved in potentially taking away someone's livelihood but, in taking that away for the proper management of the fisheries, he is responsible for compensating people. At the same time, he plays a most significant role in setting out to determine an end outcome on the size of the fishing stock that may be available in any given area. Clause 9, which refers to the application to the tribunal if no agreement is reached, should simply read "Agreement as to amount of compensation - apply to the tribunal". That is where the whole process should be. The Minister would be best served by taking himself out of the arena of compensation. The Minister's powers in determining compensation are immense. Clause 9 gives fishers the ability to go to a tribunal. It states -

An affected person or the Minister may apply to the Tribunal to determine the amount of compensation payable to the person . . .

Clause 10, headed "Agreement may be entered into despite proceedings", reads -

The Minister may enter into an agreement with an affected person as to the amount of compensation payable to the person even though proceedings have been instituted before the Tribunal.

[Leave granted for the member's time to be extended.]

Mr MARLBOROUGH: Clause 10 indicates that, despite proceedings, the Minister can effectively involve himself in whatever is taking place before the tribunal, although it does not indicate the circumstances in which the Minister may intervene. One can only guess what that reason might be. I am not suggesting any undue motives on the part of the Minister; however, the proper management of the fishing industry is far too important to have the Minister tied up in wrangles over amounts of compensation, the number of people expected to receive compensation and how compensation amounts are determined. In the rock lobster industry, is it to be determined on the size of the vessel, the number of craypots or the average catch or income earned by that fisherperson in the previous 12 months or season?

The Minister need not be involved in that process at all; in fact, the legislation suggests that it may not be appropriate for the Minister to be involved as it provides for an appeal to be made to the tribunal. I am not sufficiently expert in the Bill or the principal Act to know whether this authority for intervention was given to previous Ministers; the Minister may answer in that way, but I do not care. The Government initiated bodies such as the Commission on Government, the thrust of the recommendations of which was that Ministers must be far more accountable in their portfolios and processes. Historically, it may have been a Minister's role to have that prerogative under that Act, but it should not apply in 1997.

As the Minister knows, the fishing industry has changed dramatically in 10 years, certainly in 20 years. When I arrived as a migrant from the United Kingdom in 1963 and settled in Stirling Street, Fremantle with my mother and

father as the eldest of six kids, I made friends early in the piece with a Western Australian crayfisherman named George Reynolds. After being here for about six weeks, he invited me out to trawl off Cockburn Sound. I was proud of my seamanship as I had never been seasick in my life. I had travelled all over the world with my father, who was in the British Army, on troopships to Africa and Malaya without being seasick. After I had been in Australia for a few weeks, George, who recently retired from the industry, said, "Come on, we will go trawling in Cockburn Sound." It was the worst experience of my life! The water was choppy with a south wester blowing as we pulled the net off the seabed. I can still smell the stench of strong seaweed, the fish - which were flopping about the deck - and the diesel; I did not know which end of me would open first!

Mr Marshall: When are we going again?

Mr MARLBOROUGH: I now openly admit that I get seasick in a bathtub. I am gone with a ripple in a sink as I have never recovered from my day at sea with George!

The point is that the industry has changed. In 1963, no more than a dozen professional lobster fishing boats operated in Fremantle as George was one of a small group of highly skilled professionals who were at the forefront of creating a brand new industry. It has had phenomenal growth. The industry is extremely important to this State with a rock lobster product which has put us on the map in Asia and America. It is a fine industry with fine individuals involved in it. However, if one enters a room with 20 fisherman and asks them how the industry should be managed, one will hear 20 different opinions. In the main, the Ministers who have had responsibility for the management of Western Australian fisheries have done the job extremely well, and I include the current Minister in that statement. Nevertheless, that does not mean we should rest on our laurels. In many ways we lead the world in this industry, particularly with rock lobster.

When I held the then seat of Cockburn, most of the rock lobster fisherman lived in Spearwood in my electorate. I remember taking a delegation of 40 fisherman to a meeting with the member for Eyre, the then Minister. The fishermen were angry about the fishing law as the Minister was reducing the size of the lobster catch that year by about 10 per cent as a result of scientific evidence presented to him. An evening meeting was held at the Minister's office in an atmosphere of anger. The Minister was kind enough to invite the delegation to the building and he had peanuts and chips on the table and coldies in the fridge - probably to calm them down. The atmosphere at that meeting about reducing the size of the lobster catch was repeated at a meeting with the same fishermen a week or so later to sort out the compensation to be provided for losses incurred as a result of that reduction in lobster catch. It is not appropriate that a Minister should be involved in a meeting of such atmosphere. It would be far better for all the people concerned, and the matters involved, to go directly before the tribunal.

Other aspects of the legislation are generally a step in the right direction. The creation of the marine nature reserves, marine parks and marine management areas is one such area. The creation of those bodies needs to be carefully managed in view of the impact not only on the environment - which is certainly important - but also on both the professional fishing industry and amateur anglers. Amateur fishing is recognised as the largest sport in the world. That is nowhere more obvious than along our magnificent coastline. My personal view, which I have held for a long time - most of my electorate abuts the Indian Ocean - is that the entire fishing industry, particularly those involved in fishing close to shore, should be closely investigated. I am particularly concerned to see that in Cockburn Sound licensed crab fishermen are still allowed to drop drift nets into the sand and catch anything that moves. If the Minister wants to see a demonstration of what I am referring to he should go to the old Woodman Point quarantine station on any summer morning at 4.30 am or 5.00 am where he will see at least one fishing boat, which I have reported to the department recently, no more than 100 metres offshore trawling from the beach. The problem is that no-one is policing them and they get away with it. The same commercial fishermen are able to sell that catch on the market; there is ample demand for those crabs.

In creating these three parks, the Minister has scope to protect certain species even further and also to lay down by-laws and regulations that restrict that sort of unnecessary professional fishing. The public will increasingly demand that something be done about that type of fishing, which takes away much of pleasure for the amateur angler. The amateur anglers are not concerned that the Minister might reduce the daily catch quota because, in the main, they are extremely concerned about the environment and are only too willing to help. That area must be investigated. I would be more than happy to listen to the Minister's advice on how he intends to tackle the unnecessary fishing that currently takes place close to our shores and the effect it has on amateur fishing.

**MR HOUSE** (Stirling - Minister for Fisheries) [8.13 pm]: I thank the Opposition for its in-principle support of this legislation. It is no secret that I wanted this legislation incorporated into the Acts Amendment (Marine Reserves) Bill that we have just finished debating because I saw the issues as one; the decisions must be made together. After a lengthy and robust debate in a number of places, the decision was made to divide the legislation into two Bills. There is good reason for that and I accept that decision.

In this legislation, the Government has tried to mirror as closely as possible the intent of the Acts Amendment (Marine Reserves) Bill. If members were to read this Bill in conjunction with the previous Bill they would see that it does exactly that: It mirrors that legislation and picks up those areas where the Government believes it should have the ability to compensate fishermen because they are disadvantaged as a result of the creation of a marine park. A number of speakers have raised the issue of how one judges that compensation. It is fair to say that generally this legislation is breaking completely new ground. I would be the first to concede that this is a trial and that perhaps we do not have it exactly right. I will not be at all surprised if this legislation is returned to Parliament to be debated again after some trial and error. As previous speakers have said, the issue of judging compensation might be a problem and the Minister of the day might not be able to make those judgments appropriately. However, the legislation provides a double mechanism wherein the issue can be sent to arbitration, and that is fair.

This Bill sets up a framework; it does not attempt to detail the process. That framework is important and it mirrors legislation already in place in relation to the fisheries resource adjustment schemes. Those provisions allow the Government to make payments to fishermen to compensate them for various reasons. Having looked closely at the legislation, I cannot see any other way to proceed down this path. Parliament has just passed the Acts Amendment (Marine Reserves) Bill with the broad agreement that the Government should have the ability to create marine parks. The people most affected by that process are professional fishermen. They have rights and licences granted by successive Governments to access areas that will now be denied to them. It is only fair, reasonable and proper that the Government be able to make judgments about compensation.

I stress that this is only a framework and mechanism. In a year or two the Government will be required to judge how well it is working and, if necessary, the Minister responsible for this area at that time will return the legislation to Parliament.

As stated by the member for Eyre, it is important in this process that the Minister for Fisheries retain a right of veto in the process of creating marine parks. That is proper because it allows the Minister to seek proper protection for those people who have the most to lose. However, this legislation, which deals with a form of compensation, contains a number of mechanisms for judging that compensation, and that might not always be monetary in form. For example, if a person has a pearling or aquaculture lease in an area where the Government wants to create a marine park, that person might be given sufficient time to vacate the lease - four, five or six years. Over that time the infrastructure of that lease might decline and no longer be as valuable as it was when the marine park was created. Under those circumstances one might find that person another, better area. The Minister in agreement with the owner of the lease might say that it is not necessary to pay monetary compensation. As has been pointed out tonight by two or three speakers, Ministers for Fisheries have extraordinary powers. There are other ways of compensating fishermen. It might be by access to some other area of a fishery - I say "might be". Only the Minister for Fisheries could make that decision and not a tribunal. That goes some way to answering the queries raised by the member for Peel, who quite rightly had some concerns about how far the Minister for Fisheries' powers extend with regard to compensation issues.

One of the most difficult issues with a marine park will be when a large fishery with a number of participants is affected. We might use the rock lobster fishery as an example. If we were to create a marine park in an area where a number of rock lobster fishermen have general access, for example, part of the Abrolhos Islands where some 150 fishermen have access and not just one or two specific fishermen, it would be very difficult to make a judgment about the loss of income in those cases, if there is any loss. It may well be that we have an area like the Abrolhos, where we created a marine reserve and excluded some of the long line fishermen, as the member for Geraldton is well aware. He has raised the matter on a regular basis. However, we allowed rock lobster fishermen to continue to access those areas because we felt it was not detrimental to the marine park. Those sorts of things could be written into a management plan. Such decisions could probably be made only by the Minister for Fisheries after taking advice from the department.

In all fisheries one of the most difficult decisions will be what should be the amount of compensation. I return to the point I made earlier; that is, we are really setting down new dimensions and building a new framework. It will be quite difficult until we get some benchmark decisions, as it is with any new legislation, to determine what the compensation should be. It is important, and this legislation makes it very clear, that the Government of the day has a responsibility to make sure that funding is available at the appropriate time should compensation need to be paid. The member for Eyre asked who would be involved in those discussions. I think he asked that question for a specific reason. The question is valid because obviously Treasury officials would have to be involved to make sure that sufficient funding was available. I foresee that from the day the Government decides it will create a marine park, it could take 12 or 18 months for it to be finalised and then six or 12 months to determine compensation. During that time the Government and Ministers could change and a whole lot of things could happen, so we need some certainty in the structure to give some confidence to the fishermen or leaseholders of an aquaculture licence or whoever.

Mr Grill: We are all in favour of that.

Mr HOUSE: It was a fair question. I wanted to make it clear that that is the way I see it.

Mr Grill: Good.

Mr HOUSE: A number of speakers raised queries about the advertising of marine parks and the compensation process that would follow. It will be a very public process. A couple of speakers seemed to suggest that maybe people would not be aware of the creation of a marine park. When one looks at the marine parks legislation we debated prior to this, one sees the public consultation process will mean that everybody will be aware. Fishermen with access to the areas must be notified, as must local authorities, recreational fishing groups and people with environmental concerns in those regions. I do not see it as being a problem.

The member for Rockingham raised the question of the efficiency of fishing. He was concerned that this Bill might be used as a tool where we should have applied fishing gear or time restrictions where a fishery was diminishing and that fishermen would have access to funding from this source through this legislation rather than take the appropriate action to reduce their effort. I can assure the member that is not the case. We are very conscious of it, as have been a succession of Ministers and Governments over the years. The fishing industry has strongly supported our stance where we have not resiled from decisions to reduce access to fisheries. We have made those decisions without paying compensation. The only thing we have done is to have a fisheries compensation adjustment fund, on which this legislation is modelled, that allows us to buy fishermen out of a fishery where they believe that because of those decisions the fishery might have become uneconomic. This Government has established a further fund which is being used where we have conflict between recreational and professional fishermen, to make some adjustment to the fisheries to allow a different distribution of the resource.

Fishing is an unusual occupation in that the resource is shared between various people, such as professional and recreational fishermen, and between the fishermen themselves. In most cases more than one fisherman is licensed to access a given area. There is a competitive problem. From time to time we have a certain amount of conflict in those areas. Those issues must be addressed by Ministers. That is why Ministers have been given quite extraordinary powers under the current fisheries legislation. A succession of Ministers have not used those powers lightly. Most people who have been Ministers for Fisheries would say they would rather not use the powers. A wide consultative process has always been in place in the fishing industry. It has worked in most cases, although it does not always work and sometimes we do not get it right. A couple of members said some people in the fishery industry had suggested this legislation was not widely supported; at any rate, that is the impression I gained. The fact is quite the contrary. This legislation has involved wide consultation with the fishing industry. The two Bills we have been debating today have been in the making for five years or more. There has been as much consultation over this legislation as any other legislation I can recall.

As a consequence of that the Bill has broad support. One would struggle to find fishermen who do not support this legislation, because they see it as advantageous. The members for Rockingham and Ningaloo raised the issue of overfishing in marine parks. That is a relevant point, because the management plans for marine parks of all designations can be written so that certain activities can be restricted. This legislation breaks new ground, and I am sure some flaws will be found.

In this legislation the majority of power lies with the Minister for Fisheries. However, a tribunal process is available if it is determined that is needed. That is proper. There will be circumstances in which no compensation will be paid, and other circumstances in which large compensation payments will be appropriate. For example, disturbing the livelihood of an abalone fisherman will require adequate compensation; however, in other cases perhaps no compensation will be payable. I acknowledge that in a year or two this legislation could come back to the Parliament for amendment, and I am sure that all members who represent coastal areas will want some further say in how this legislation will progress.

[Leave granted for speech to be continued.]

Debate thus adjourned.

## WESTERN AUSTRALIAN SPORTS CENTRE TRUST AMENDMENT BILL

### *Second Reading*

Resumed from 25 March.

**MR CARPENTER** (Willagee) [8.33 pm]: The Opposition supports the several amendments proposed to the Western Australian Sports Centre Trust Act 1986. They are not controversial in any particular way, shape or form,

and one or two are relatively significant and worthwhile. The necessity for these amendments is an indication of the importance of the WA Sports Centre Trust and the facilities that it manages in this State.

The WA Sports Centre Trust was established in 1986 by the then Labor Government to manage what was then known as the Perth Superdrome - another Labor Government initiative of the 1980s. Challenge Stadium, as the Superdrome is now known, is a largely government funded sports facility available to the general community and Western Australian elite athletes as an elite training centre. It is probably worth dwelling on the role that Challenge Stadium has played in Western Australian sport. I attended the annual awards presentation of the Western Australian Swimming Association. The very important guest speaker was Mike Wenden, whom many members will remember as the Australian swimming legend of the 1960s. I mentioned Mike Wenden's name to one or two of the people and believe it or not they had never heard of him. I was surprised at that.

I liken Mike Wenden's role in the 1960s to that of Kieran Perkins today. Mike Wenden was a gold medalist in the Mexico Olympics in both the 100 metres and 200 metres freestyle. He was the fastest man in the world in swimming in the 1960s. He was an Australian icon. I had a brief conversation with Mike Wenden before the event began. To my surprise I learnt that he was not much older than I. In 1968 as an 11 year old I listened to the Mexico Olympics on the radio, which was the most technically advanced development in Albany at the time. Television flickered through to the privileged few who could afford it in 1968; however, to get any live coverage of a sporting event one had to listen to the radio in those days. I told Mike Wenden about this. He said that in 1964 he had been listening to the radio coverage of the Tokyo games. He said that he turned 18 in 1968. He was a very young man to be carrying the mantle of Australia's greatest sporting hero at the time. He is only seven years older than I, although he is probably considerably fitter.

Mike Wenden seems to be in a state of professional grace as a member of the Olympic Games organising committee and various other organisations. He said that in 1968 he was feted as a hero when he came back to Australia. However, when he came back to Australia from the Munich games in 1972, where he had figured in the finals of the 100m and 200m freestyle and had come fourth and fifth, the questions that were put to him were more along the lines of "Why did you fail?" He did not have an answer for that. However Mark Spitz had emerged on the world swimming scene in 1972. Spitz swam in the 1968 games, and Wenden was too good for him. However, in 1972 Spitz found a magic formula. By 1974 Mr Wenden's swimming career was beginning to tail off. At that stage Mr Wenden was competing at the World Swimming Championships, which had only a short history and were regarded as a very second or third rate event. It was difficult for nations to attract the leading swimmers in the world to the World Swimming Championships. Mike Wenden spoke about the Belgrade World Swimming Championships and said that many of world's leading swimmers were not there. This situation applied in the swimming world through the 1970s and 1980s. The World Swimming Championships were not a particularly important or highly revered event at that stage.

Mike Wenden said that it was not until Perth hosted the World Swimming Championships at the Superdrome, now Challenge Stadium, that the world swimmers and swimming administrators realised that it could be a world class event, held in a world class venue, where world class times could be achieved and outstanding facilities, administration and organisation could be brought to bear. It is important for Western Australia and, not having a huge depth of knowledge about swimming, it is something I did not realise. The Perth event in 1991 set a new benchmark for world swimming championships that other countries have been struggling to meet ever since. I understand there is a move within the international swimming administration to make Perth the permanent home of the World Swimming Championships, although international rivalries would probably prevent that happening. It speaks volumes for the standard of the facility in Perth and it gives an indication of the importance of Challenge Stadium as an international sporting venue. The previous Government should be congratulated for having the foresight to establish this facility and attracting the 1991 World Swimming Championships to Perth. The current Government should be congratulated for attracting the World Swimming Championships back to Perth. Members are probably aware that the eighth World Swimming Championships will be held in Perth in 1998 and that is the reason for this Bill. The stadium has outgrown its original format, especially in relation to public access and the control of public access to that stadium.

Challenge Stadium is the home base for the Western Australian Institute of Sport and it caters for a range of athletic and sporting activities. As well as being a centre for elite athletic achievement and training, it also provides community sporting and recreation facilities. It has become so popular and so well used that certain changes are required to meet the increased attendance and usage figures. The Western Australian Sports Centre Trust manages Challenge Stadium and from 1 January this year it took over the management of Arena Joondalup. One of its first tasks should be to change its name to Joondalup arena so members can refer to it without thinking they have the words around the wrong way.

Arena Joondalup provides a range of sporting facilities. During the last election campaign both the Government and the Opposition promised an outstanding aquatic facility to complement the other facilities at Arena Joondalup. If members compare the budget figures for Arena Joondalup with Challenge Stadium, they will notice that Arena Joondalup is struggling financially and it is in receipt of a hefty subsidy from the Government. If they take out the component for elite training and managing the elite training facilities at Challenge Stadium, they will notice it is doing very well financially in its community sporting and recreation activities. The amount of money being allocated to Arena Joondalup must be thought through carefully by the Government. The local members are keen to get that aquatic facility in place and I know there is a level of disappointment among the Western Australian swimming fraternity that as yet there is no budget allocation for the establishment of an aquatic facility at Joondalup. The expectation was that an international level training facility would be put in place in time for the world championships next year so that some of the world's elite athletes would have the opportunity to use the facility at Joondalup as their training base. That has not eventuated. I urge members opposite to put pressure on the Government to develop that facility at Joondalup because it will have beneficial financial implications for the administration and running of Arena Joondalup, which is currently running at a considerable loss.

Challenge Stadium is managed by the Western Australian Sports Centre Trust and to facilitate the smooth running of that facility four or five amendments have been suggested to the original Western Australian Sports Centre Trust Act. None of these amendments is particularly complicated. They relate mainly to the provision of regulations for parking and traffic direction at the facility. A couple of other amendments are worth commenting on. One is an amendment to section 14 of the principal Act which will be repealed and replaced by proposed section 14(1), which relates to the Minister's capacity to give directions to the trust. It states that -

The Minister may, after consultation with the board, give such directions in writing to the Trust with respect to the performance of its functions as appear to the Minister to be in the public interest -

The original Act also allowed the Minister to give directions to the board, but they were not required to be in writing. This might seem to be a trifling matter, but the experience which came out of the royal commission was that where Ministers are given the power to give directions, they should be in writing. This amendment is not contentious. It is an improvement on the original Act and should be supported.

Another amendment is proposed to section 14 of the Act and I hope the Parliamentary Secretary has done some research to find out the reason it is necessary. I spoke to him about it privately. The second leg to the replacement of section 14 of the Act will be a new section 14A. This amendment relates to the Minister having access to information. The Bill states that -

**"information"** means information specified, or of a description specified, by the Minister that relates to the functions of the Trust.

Basically, that is to manage the facilities over which it has control, currently Challenge Stadium and Arena Joondalup. Under that proposed amendment the Minister will be entitled to share all the information in the possession of the trust. Proposed section 14A states, in part, that the Minister is entitled -

. . . where the information is in or on a document, to have, and make and retain copies of, that document.

It is a lengthy amendment and it ensures that the trust must comply with the Minister's request for information and that compliance must be of an active nature. In other words, if the Minister requires some information, trust staff must provide that information. The trust cannot require people to come and obtain the information. I am curious to know why that is necessary. Has the Minister for Sport and Recreation had some concern about an event, and has that concern led to this amendment? There may be nothing in it, and I am certain that the Parliamentary Secretary will be able to answer the question. I am reassured by that!

I want to digress for a moment before I turn to the much heralded parking amendment. I wish to talk briefly about the purposes to which the board of the WA Sports Centre Trust can put the facilities. My curiosity arises from a recent event at Challenge Stadium. We discussed this matter briefly during the Estimates Committee debate, and it received some public attention prior to that. I refer to a political rally held at Challenge Stadium a few weeks ago. I asked the manager of the stadium, Mr Graham Moss, on what basis permission was given for the event to take place. He was unable to answer questions completely about the activities provided for in the Act, during that debate. Therefore, I took the opportunity to find out: The functions of the trust are to establish and maintain a comprehensive sports and recreation complex - which it has done - comprising facilities for holding competitive sporting events of international, national and state standards; training facilities; sports education facilities; accommodating other ancillary facilities; and to encourage, promote and facilitate the use and enjoyment of the centre by members of the public.



I am referring to the Pauline Hanson rally which was held at Challenge Stadium. Mr Moss gave a satisfactory explanation to the Estimates Committee regarding how the event found its way onto the stadium's calendar. A request was made by Paul Filing's office for space to be made available at the stadium for a political event. Mr Moss said that he was unaware that Pauline Hanson would be speaking at the event when the booking was made, but when he became aware of the situation he notified the remainder of the board and they discussed whether the booking should be honoured. They decided that it should be. Probably in the light of the way the event unravelled it would have been a major decision to cancel the booking, and would have carried with it a great statement - even if he were inclined to make that decision, and he may not have been. Perhaps some provision should be included in the functions of the trust and, therefore, in the Act to outline more specifically the kind of event for which the facilities can be used. During the Estimates Committee debate the member for Joondalup raised the prospect of a silverchair concert at Arena Joondalup. As far as I can gather nothing would stop -

Mr Baker interjected.

Mr CARPENTER: It is like a sublicence. I appreciate that. I do not draw attention to this matter because it was a Pauline Hanson event, but because it raised the question of the sorts of events the trust would allow at the facilities which it manages. Perhaps this question is worthy of some consideration in future. However, the public can have full confidence in the board and the management skills of Mr Moss. The public can rely on their making the correct decision. If they do not, I guess the Minister could intervene, especially given the powers that these amendments give to the Minister.

I come now to the amendments specifically related to the parking and traffic facilities at Challenge Stadium. The essence of the Bill is to address a problem that has arisen in that there is no control over the way people use their vehicles in the car parking area. This is recognised as a major international sporting facility, which will host the 1998 World Swimming Championships. It is used by hundreds of people, if not thousands, on a daily basis, the majority of whom drive to the stadium, and for some time the parking situation has needed regulating.

My former colleague in the upper House Hon Graham Edwards was a regular user of the swimming pool at Challenge Stadium. He was strongly of the view that something should be done to regulate parking to prevent people parking in the bays specifically allocated for the disabled. I understand that currently the administrators and managers can do nothing if people choose to ignore the parking directions, although I have now had the opportunity to read the Act. A section of that Act lends itself to some form of regulation of parking. However, the administration believes that provision is not strong enough. It proposes to direct people specifically in the way they use their vehicles in the public driveways and parking areas. The administrators intend to levy fines, which on the face of it - when one reads the second reading speech and this amending Bill - could be substantial. The maximum penalty for breaching the parking provisions is \$1 000. That appears to be a little on the heavy side.

Mr Cunningham: This is in a disabled parking bay.

Mr CARPENTER: Or any other bay. This penalty is for people parking where they should not park. It still appears to be a heavy fine. It represents a lot of Lotto tickets!

When I read the Western Australian Sports Centre Trust Act I realised that the maximum fine imposed is \$1 000 for any infringement of that legislation relating to unauthorised merchandising, unauthorised selling or taking in of alcohol, and so on. There is a standard level of penalty for infringements of regulations imposed at Challenge Stadium. According to this Bill, that provision will apply to Arena Joondalup as well. The maximum fine is \$1 000.

It seems excessive. I am sure the Parliamentary Secretary will be able to cast light on the matter, so the good burghers of the City of Perth will not wake up in the morning to read the newspaper and feel they are faced with the prospect of extremely heavy penalties if they should inadvertently make a mistake by parking at Challenge Stadium. I hope the Parliamentary Secretary is able to answer my questions about the extent of the penalties.

I also hope the Parliamentary Secretary can tell us who will impose these penalties and who will oversee what takes place at the stadium. Will he also explain to what use the money raised by fines will be put? These are genuine inquiries and it is only reasonable that the reason for these amendments be explained so the public record contains an account of how the amendments will apply, who is to apply them and to what end the revenue gained from their application will be put. I do not expect that a huge amount of revenue will flow from the imposition of parking penalties at the stadium, but the matter should be addressed.

Wally Foreman of the Western Australian Institute of Sport says that some work still needs to be done on access roads into and out of the stadium, especially given the level of activity we can expect in the period leading up to the 2000 Sydney Olympic Games. Perth will be a centre for training and preparation of international athletes for the Olympic Games. We have ideal training facilities and we have, thanks to the foresight of the former Labor Government and the consolidation work of this Government, established a fantastic facility which is the envy of the

world. The desire of numerous international athletes and sporting teams to prepare for the Sydney Olympic Games in Perth is yet another fillip for the local sporting and recreation industry.

I raise these few points of genuine concern about the amendments to the parent Act and I invite the Parliamentary Secretary for the Minister for Sport and Recreation to address the matters I have raised.

**MR MARSHALL** (Dawesville - Parliamentary Secretary) [9.03 pm]: I thank the member for Willagee for his inquisitive and detailed examination of the Bill. I also thank members for their support of this simple Bill which is designed to give the Western Australian Sports Centre Trust or the Challenge Stadium board the power to regulate parking around Challenge Stadium.

As the member for Willagee said, next year the stadium will be hosting the World Swimming Championships once again. It is rare for the World Swimming Championships to be held twice at the same venue and it is a first for Perth. The member for Willagee mentioned not only the wonderful facilities but also the organisation and administrators who did such a good job in 1991. They were the ones who were able to encourage the organisers of the world championships to be held in Perth once again. Let us not forget the person organising the games for next year, Mr Tom Hoad - Mr water polo himself. Tom Hoad is a 10-year Olympian. Not many people have been to 10 successive Olympic Games: Five times as a player representing Australia, three times as a coach, once as a commentator and once, last year, representing the Government to look at other venues to see how best to make Challenge Stadium the showcase for overseas visitors when they come to Perth next year.

The member for Willagee was concerned about parking, and rightly so. For many years Challenge Stadium has experienced traffic problems caused by patrons parking on the roadways and by the internal dropping off and picking up of children. There are various hazardous places in the car park. Problems also result from the rush to get car parking space when vehicles intrude on disabled zones. Fines are the only way to stop people doing that. People fighting to get a car park at the crucial time after school cause potentially dangerous situations, and because of that these amendments are being introduced.

The amendment, as the member for Willagee points out, allows for the issuing of parking infringement notices by authorised officers. There has been doubt about who will be an authorised officer. The trust will appoint three authorised officers, who will be existing employees of the trust, to impose financial penalties for parking offences. The member for Willagee need not be concerned that parking fines will be \$1 000 because the fines to be imposed will be similar to those imposed for parking illegally around hospitals, such as the Queen Elizabeth II Medical Centre, the Art Gallery of Western Australia and other similar public places; that is, \$20 to \$25.

The member for Willagee also asked who will be responsible for removing vehicles from the area. The vehicles will be moved by an authorised officer and, naturally, a tow truck will have to be engaged. Also, the gross revenue raised from parking fines will form part of the operating revenue of the trust.

The member for Willagee also mentioned entry to the stadium. Graham Moss is aware of that and everything is in place for those access roads to be attended to. I also assure the member for Willagee that there is no hidden agenda by including proposed new section 14A in the Bill. The Crown Law Department drafted the legislation and it is common for the Minister to be entitled to access information concerning the statutory body under his or her control.

The member for Willagee also mentioned how wonderful Challenge Stadium is. It is a world-class sporting facility for Western Australia. The decision to build the stadium by the former Labor Government has resulted in an innovative project which all Western Australians are proud of. Again I thank members for their support for this legislation and I commend it to the House.

Question put and passed.

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

## **ENERGY COORDINATION AMENDMENT BILL**

### *Second Reading*

Resumed from 1 May.

**MR THOMAS** (Cockburn) [9.10 pm]: The Opposition supports this legislation, but it will use the opportunity of the debate to make some passing comments about the gas industry in Western Australia generally, and also some of the matters relating to this proposal. The Energy Coordination Amendment Bill is significant legislation, and that significance is not reflected in either the size of the Bill or the detail entered into by the Minister in his second reading speech. The Opposition is pleased to have had the opportunity to be briefed by officers from the Office of Energy, and it places on the record its gratitude to the Minister for making that briefing available and to the officers for the

detailed information provided, some of which escapes one on first reading the Bill. The Opposition will be able to use that information more usefully at the Committee stage of the Bill.

Essentially the legislation will create a concept of a licensed area that can be prescribed under regulations made by the Governor, and will create new categories of licence which enable companies to supply gas to that area. It will enable an area of the State to be defined and make provision to create licences that can be used for transmission, distribution or trading of gas within that area. The purpose of creating these three or four new statutory categories is to encourage and facilitate the reticulation of gas to small scale consumers in regional areas. It is a most desirable phenomenon with which the Opposition is pleased to be associated. Hitherto, under the petroleum pipelines legislation, it was possible at different times for proponents to make applications to the Minister and obtain licences to transmit gas in substantial quantities at high pressure across the State. That has invariably been done for large scale consumers. In this case those benefits will be extended to small scale consumers, who are domestic consumers, small businesses or private homes. To indicate the extent to which this Bill deals with small scale operations, advice has been given that the volumes of gas used in this project will be measured in terajoules per annum. On a number of occasions in the past couple of months, and I have no doubt it will continue for years to come, we have debated the gas transmission and distribution industry in Western Australia, and this Government's tardy policy in introducing a competitive gas transmission industry in this State.

Mr Barnett: That is fine and we have had this debate before and I do not want to have it again. I can accept that so far as it goes. If you, as spokesman for the Australian Labor Party, can tell me what I do about the interest of small business, householders, taxpayers and the public interest, you are contributing to it. They are the potential losers and you are looking at the largest income transfer between Australian taxpayers and a foreign multinational in our history. If you can satisfy me on that point, so be it. The simple concept of encouraging more competition is fine, but someone must balance those social issues. It is somewhat bizarre that I as a Liberal politician am making those comments to a Labor Party politician.

Mr THOMAS: Is the Minister talking about the windfall profit that may be made from the sale?

Mr Barnett: No, I am talking about the potential massive loss - if there is a loss of value on that - and the potential loss on the gas inventories.

Mr THOMAS: That is not making a loss on the sale of the pipeline itself.

Mr Barnett: You cannot run away from those issues. It is potentially a half a billion dollar loss to the public of Western Australia for the sake of complying with a set of rules. I have no problem with that set of rules but you must get to that point.

Mr THOMAS: Of course, and it is the view of the Opposition that it could be reached two years sooner than it otherwise would.

Mr Barnett: It would involve breaking trust, and exposing taxpayers and consumers to risk.

Mr THOMAS: When I raised this matter last week the Minister said that as a result of undertakings given between the Government and the joint venture partners of the North West Shelf gas project at the time of disaggregation of the North West Shelf gas sales agreements, it would breach faith to allow a second pipeline to be constructed inside Western Australia within two years.

Mr Barnett: Not only a breach of faith; it would also be very improper and unfair to give one company a privileged position against other companies, including fully owned Australian companies. Maybe I am the sole voice, but I seem to be the only one sticking up for taxpayers, small business, householders and Australian companies.

Mr THOMAS: I am pleased to have this opportunity to debate the matter. I asked last week what undertaking had been given.

Mr Barnett: I told you.

Mr THOMAS: Yes, the Minister did. I said that I might be thick - I had never been a lecturer in economics like the Minister - and I might not understand these matters. The Minister seemed to be exasperated and did not bother to answer my queries. I thought the Minister must have mentioned it when these momentous decisions were made. I was at a function at the Parmelia Hilton when the Minister announced the disaggregation of the gas contracts and the break up of the State Energy Commission of Western Australia. It was a very inspiring lunch. It was a great speech. They were great decisions and I am sure the day will live long in the Minister's memory. I could not remember anything he said that would prejudice future actions of the Government in building a second pipeline. I went back to *Hansard* because I thought the Minister probably made a speech about it and placed his views on the record. A ministerial statement made on 16 August 1994 is recorded at page 3502 of *Hansard*. In this speech the Minister

explained in a parliamentary sense what he had said at the Parmelia Hilton earlier that day. On 29 November 1994 he gave his second reading speech on the North West Gas Development (Woodside) Agreement Amendment Bill. There is nothing in that speech. I have spent most of the day reading the Minister's speeches.

Mr Barnett: You have had a very productive day.

Mr THOMAS: The Minister will be pleased to know I am such an avid reader of his speeches but, despite that, I still cannot see any reason that it is not possible to have a competitive gas transmission industry in this State, given the fact that all the market predictions suggest that the existing asset has a sufficient market to more than use the capacity of that asset for years to come. Other people come to us and to the Minister -

Mr Barnett: Not to me. That is the point.

Mr THOMAS: I probably understand that. They talk to everyone else in town and say they are prepared to spend a billion dollars to build a pipeline. They say it is their money and if it is a bad investment, they will lose their money and no-one else will. That is almost an unanswerable argument.

Mr Barnett: Has it occurred to you why that company does not come to the Minister for Energy?

Mr THOMAS: I do not know why.

Mr Barnett: It is a fair question.

Mr THOMAS: I will give that company the Minister's telephone number and suggest that it ring him. The point is that it made an application for a pipeline licence. That is effectively an application or a letter to the Minister; perhaps the company considers that adequate. Without even considering that proposal, why should gas consumers in this State be denied the benefit? The Minister is saying that the DBNGP will be sold and the purchasers will acquire not only that asset but also the right to double its capacity, which is effectively a permit to build a second pipeline.

Mr Barnett: Alinta has that right now. There is no restriction on Alinta's expanding the pipeline.

Mr THOMAS: The purchasers will be buying a pipeline with a capacity of about 500 TJ a day, and they will be buying what is effectively a licence to build another pipeline.

Mr Barnett: You have got it in one.

Mr THOMAS: That is great, when I am not a former lecturer in economics!

Mr Barnett: There an element of economic rent in that. That is the glittering prize. The difference between you and me is that I want to capture that glittering prize for Western Australia; you want to hand it over to an American company.

Mr THOMAS: I do not want to hand a glittering prize to an American company, an Australian company or anyone else. I would like to see that wealth retained in Western Australia. What I am suggesting, and what the former lecturer in economics does not seem to understand, is that a one-off windfall profit to the State is not necessarily the best benefit to the State if that means that energy prices will remain high and, as a result, the State will forgo increased economic development which may be worth more than the glittering prize.

Mr Barnett: To whom?

Mr THOMAS: The people of Western Australia. I am talking very much in a broad sense. Unfortunately, the Minister brought on this debate a day or so before we expected it, so I do not have with me the file that I hoped to have with me and I do not have my hands on the numbers. Last week the financial Press had an article about a proposed pipeline that would take gas from the highlands of New Guinea and under Torres Strait to Weipa in North Queensland for an aluminium smelter. I am not a pipeline engineer, but I imagine that pipeline would be built under difficult and presumably expensive conditions, yet that gas would be delivered at a price which would make viable an aluminium smelter. That would be an outstanding feat. In those circumstances, the people who were responsible for managing the gas transmission industry in Western Australia might say, "If we could get gas to the south west of the State at a low price, perhaps an aluminium smelter would be viable in the south of the State."

It is interesting the Minister used the phrase "glittering prize", because he used the same phrase in this House on 16 August 1994 when he said that the deregulation of the gas industry - he did not distinguish then between gas production and gas transmission, but effectively he was talking about gas transmission - would lead to a \$600m expansion of the Wagerup alumina refinery and that BHP planned to build a \$750m hot briquetted iron ore plant in the Pilbara, and they were the glittering prizes which had been achieved from that announcement. That was probably a bit of hyperbole on the Minister's part, but if that was the glittering prize that was achieved, the Minister should be congratulated, because we all welcome those projects.

The Minister made statements last week which indicated that he would call tenders for the construction of a new pipeline to open in two years, and that would reduce the price of gas. However, the problem is that the price of gas would still be well above \$1 a gigajoule. If the price of gas could be reduced to 60¢ or 80¢ a gigajoule, which is much less than the current price, that combined with a competitive gas production industry could lead to gas being only a fraction of its current price.

The industries about which we are talking are very dependent upon the cost of energy. Energy is a far more substantial input to the economics of those projects than is the price of labour. We have spent weeks in this Chamber debating industrial relations legislation which will satisfy the ideological obsession of one section of the Liberal Party, or possibly of only one individual, but which is utterly irrelevant to the major question which confronts this State - getting jobs for the people who live here and for their children. That requires industrial development. It is not simply a matter of building factories and of everyone working in factories, because the Minister will know that many of the people who are employed as a consequence of these industries work in associated fields rather than in them directly.

Mr Barnett: There was a surge of investment projects in 1995 - the Collie power station, the HBI plant, the goldfields gas pipeline, and a number of others. However, in 1996 world growth and commodity prices were relatively flat, and it was a period of hesitancy, where everyone sat on the fence. I suggest that in the second half of this year, four or five major projects will get underway, and I think I will be proved right. I am not being bullish unnecessarily, but all the projects that sat on the fence will kick off.

Mr THOMAS: I hope the Minister is right. The point I am making is that the Minister is more likely to be right if he can offer them cheaper gas.

Mr Barnett: I am.

Mr THOMAS: The Minister is offering it cheaper than it has been, but he is coming off a high base, so achieving that is not all that difficult. If we had a truly competitive gas transmission industry, the Minister would be able to offer gas at a lower price, and if that facilitated economic development which might not otherwise occur, we would be likely to have a continuing benefit to the State, far beyond a one-off windfall of however much.

Mr Barnett: Everyone is talking about this cheaper gas. Let us put some numbers on it. What are you talking about?

Mr THOMAS: Below \$1.

Mr Barnett: For what? You cannot buy gas for below \$1.

Mr THOMAS: Transmission cost.

Mr Barnett: How much will the gas cost you?

Mr THOMAS: That is the product of another variable too.

Mr Barnett: It is not. The wellhead price is the major determinant of the price of gas. You cannot dodge that.

Mr THOMAS: The delivered price of gas is what counts.

Mr Barnett: That is right.

Mr THOMAS: That is what the consumer has to pay. The Minister can directly control gas transmission. That is the Minister's gift to give. He cannot determine the cost of producing gas. That depends on the gas producers, the resources that are found, the cost of producing it and so on. The Parliament ultimately regulates the gas transmission industry. That industry is more important in this State than it is in any other State. The cost of the gas transmission here is a higher proportion of the cost of delivered gas. The Minister and, ultimately, the Parliament have a greater direct bearing on the total -

Mr Barnett: What would you do with the gas inventory? What is your solution to that?

Mr THOMAS: I think that is already catered for.

Mr Barnett: No; it is not. There is \$300m of taxpayers' money sitting there.

Mr THOMAS: The Minister must separate the two components.

Mr Barnett: You cannot.

Mr THOMAS: It can quite easily be separated because AlintaGas has already been set up in part for the purpose of being a gas transmission industry participant. Separate from that is the gas production industry. There is a time lag

during that; however, if there is to be a second competitor in the gas transmission industry that should not in any sense prejudice the interest of any of the gas producers or gas owners. They would have a choice of which gas transmission facility they wished to use.

Mr Barnett: I keep on saying that is fantastic. I can preach all that, too. However, as a Labor Party member of Parliament, you astound me because you cannot tell me what I do with the publicly owned \$300m of gas that is paid for but not used. There is no other bigger public interest than the \$300m on the table right now. You can't wish it away. If I could wish it away, I would; but I cannot. It is there. It is \$300m sitting on the table.

Mr THOMAS: I do not want to wish it away. That is the last thing I would want to do.

Mr Barnett: That is what you are doing.

Mr THOMAS: I am not trying to wish it away. The Minister does not seem to understand that two separate variables are involved if that gas is to be transmitted using the Dampier natural gas pipeline or a competing facility. If someone else in the market is able to offer a cheaper gas transmission facility, it is all to the good. From what the Minister said in 1994 - I have been through everything that was published in *Hansard* in 1994 - there is no reason we should not have a fully competitive gas transmission industry right now. Obviously the Minister does not agree with me.

Mr Barnett: I would love open and full competition.

Mr THOMAS: The Chamber of Commerce and Industry of Western Australia obviously does not agree.

Mr Barnett: The Chamber of Commerce has been off the pace on this and a few other issues lately. I would love open and full competition. If you can tell me how I stop the taxpayers from losing \$300m by 1 January 2002, I will be interested. Right now they stand to lose it.

Mr THOMAS: What does the Minister mean by losing \$300m?

Mr Barnett: Because this is a take or pay contract, which the member understands well, there is an accumulated inventory which has been paid for. As of 1 January 1995 it was \$300m worth of gas.

Mr THOMAS: Who owns that?

Mr Barnett: That gas has been paid for, but it is still under the seabed. If it is not consumed by the year 2002, it is lost, forfeited.

Mr THOMAS: Who owns it?

Mr Barnett: Technically probably the North West Shelf.

Mr THOMAS: If so, it is encumbered.

Mr Barnett: The point is that unless that is disposed of in an orderly way the state taxpayer, the community, loses \$300m. You can talk about public good and all those sorts of things, but there is no other public good of that size on the table.

Mr THOMAS: The Minister does not seem to understand.

Mr Barnett: I understand all the issues. The member should not believe for a moment that I do not understand this dilemma. I have worked with this dilemma for the past four years. I understand it very well.

Mr THOMAS: I am saying that that product can be brought to the market down the DNGP or a competing pipeline. If there are two competing gas transmission facilities, that will not prejudice the consequence of the sale.

Mr Barnett: At what price would you bring it to the market? At what price would you bring the inventory on the market?

Mr THOMAS: Whatever we can get for it.

Mr Barnett: In other words, whatever you get for it is probably \$2 rather than \$4.

Mr THOMAS: The chances of selling it will probably be enhanced if there is a lower gas transmission -

Mr Barnett: No; they will not.

Mr THOMAS: We must -

Mr Barnett: These are take or pay contracts affecting the fixed price gas contracts. There is no smart way out of it.

Mr THOMAS: At the very least, we would have a lower gas transmission component in the price. That is a most desirable thing.

Mr Barnett: There is no gas transmission component in the price.

Mr THOMAS: I am talking about the cost to the vendor of disposing of that product which must include -

Mr Barnett: Don't you think the North West Shelf joint venture partners might well look at litigation if the State were to do that?

Mr THOMAS: I looked at the ministerial statement on the gas contracts - I am happy to consider this matter again - the memorandum of understanding, and the second reading speech on the North West Gas Development (Woodside) Agreement Amendment Bill, which were brought to the Parliament in the second half of 1994 to see whether PGT could have grounds upon which to litigate against the State. I could not see anything in those documents to that effect. If the Minister can suggest anything which will give grounds upon which to do that, I am prepared to consider it. The Chamber of Minerals and Energy of Western Australia does not seem to think there would be any basis for it, although I do not suppose it would be representing the Woodside group. The Chamber of Commerce also does not see any basis for it. Everyone in the industry, except the Minister -

Mr Barnett: I know, that is the incredible thing.

Mr THOMAS: The Minister is the only one who is in step.

Mr Barnett: That is the incredible thing. I am the only person. No doubt the member thought the IPA report was terrific. I thought it was one of the poorest pieces of research I have ever read, but never mind that. When the John Moran paper was challenged about the equity transfers of money, his answer was that it was being taken from one pocket and put into another. Yes, that is true. The point is that it is being taken from the pocket of the taxpayer and put into the pocket of a multinational. If that is what the Labor Party stands for, I think that is funny. I, Colin Barnett, do not stand for that - and I am not about to do that to the Australian taxpayer, let alone the Western Australian taxpayer. When I challenged John Moran on that his only answer was that it was taking money from one pocket and putting it in another. That is right. It is simply a transfer of wealth from one group to another; in this case, from the Western Australian taxpayers to an American utility.

Mr THOMAS: The Minister is making the same mistake. It is understandable. In recent times as I have contemplated this problem, it seemed that the most important thing to do was to maximise the return to the public purse.

Mr Barnett: Yes. I am trying to look after the public purse.

Mr THOMAS: The Minister could make the DNGP a monopoly for another 10 years and get an even better price. In that way we will get a very good price and pay off all our debts, but have no investment in development because no-one will be able to afford to develop anything. The Minister has an equation, a transaction, in which he must make some judgments.

Mr Barnett: That is what I have done. Last week's statement was a good judgment. You might have noticed that most industry groups supported it.

Mr THOMAS: The Chamber of Mines did not.

Mr Barnett: Yes, it did. The Chamber of Mines put out a press release supporting the press release I made last week.

Mr THOMAS: It agreed with us that the Government should open -

Mr Barnett: Read the press release.

Mr THOMAS: I must say that I have not read the press release. The published report of what it said is that -

Mr Barnett: You are talking about the research officer's paper. There is a difference. I think you should read what the Chamber of Mines formally put out.

Mr Grill: Are you saying they put out a press release supporting your position?

Mr Barnett: Yes, last week.

Mr Grill: That is news to me.

Mr Barnett: It may not have been 100 per cent support, but it was 95 per cent. Essentially, it put out a press release supporting the statement.

Mr THOMAS: The 10 per cent of disagreement was whether we should make an application for a second pipeline now or whether we should do it in two years. Everything else was agreed. No-one, except the Minister, can see any good reason for not doing it straightaway.

Mr Barnett: That is right.

Mr THOMAS: I was saying that a judgment must be made. The Minister can ramp up the price of that pipeline.

Mr Barnett: No, I am not doing that. I resent that. That implies improper conduct, and that is not true.

Mr THOMAS: I am not saying anything improper happened.

Mr Barnett: I am not ramping up the price; I am trying to get a fair price.

Mr THOMAS: The Minister can artificially enhance it.

Mr Barnett: I am not artificially enhancing it; I am selling an existing asset with existing rights.

Mr THOMAS: The Minister is selling existing assets and rights together with a guarantee that he will not allow anyone to commence the processes to compete with the Dampier natural gas pipeline for two years.

Mr Barnett: No I am not. Everyone keeps saying I am holding up the second pipeline. What have I done to hold it up?

Mr THOMAS: Last week the Minister announced that he would consider applications for a second pipeline within two years.

Mr Barnett: No; I said we would issue licences on a competitive basis to be operational from 1 January 2000.

Mr THOMAS: That will be two years, or whatever that length of time -

Mr Barnett: PGT has put in an application for a licence and I have done nothing about it.

Mr THOMAS: That will enhance the value of the pipeline.

Mr Grill: Are you telling us PGT persisted with the application that you granted this year?

Mr Barnett: I am not making any decision about it; it will be dealt with in the process of democracy.

Mr Grill: Are you saying that you will possibly grant a licence for a second pipeline this year?

Mr Barnett: I have said nothing about whether it will be granted. It is being dealt with through the normal processes of the Department of Minerals and Energy.

Mr Grill: That is what you are hinting at.

Mr THOMAS: It is being a bit cute. It is like my applying for a drivers' licence and an officer saying, "I will get around to it, but I have to go to morning tea and then I will be on annual leave for a month." If I were to complain he could say, "I have not rejected it, I just haven't got around to it yet." That is precisely what the Minister is doing.

Mr Barnett: It is being processed normally.

Mr THOMAS: By doing that he is deliberately increasing the value of the asset.

Mr Barnett: I am trying to maintain the value of the asset. It is a good asset paid for by Western Australian taxpayers and I am trying to ensure they get a fair return.

Mr THOMAS: Based on the figures that it is reported the Minister expects, he will get a good return.

Mr Barnett: It will be wonderful.

Mr THOMAS: As one of the shareholders of AlintaGas I am pleased that is the case. However, as a citizen of Western Australia I am concerned because if we put \$500m or \$1b, or whatever, on top of the price of the pipeline, the owner of the pipeline must service that capital. The capital cost is the principal determinant of gas transmission charges; operating costs are relatively minor. That will result in higher gas prices. When someone builds a second pipeline in two years and presumably will be able to offer a cheaper service, that will be a benchmark below which they must go only slightly to secure a market. Gas prices will then be higher than they might be otherwise.

Mr Barnett: They cannot be. The announcement indicates that the sale will be under conditions which see the transport tariff fall from \$1.26 to approximately \$1 by the year 2000. In other words, when people bid they bid to



buy an expansion on the basis of transport costs falling to \$1 by 2000. Transport costs will come down under any scenario.

Mr THOMAS: They would come down even further if the price -

Mr Barnett: That may be the case. One could build a lower quality pipeline, I agree. This pipeline was the main artery for Western Australia. It was built to a higher standard than a competing pipeline might need to be. The North West Shelf participants had to build dual domestic gas plants because of security of supply. We could build a lesser quality pipeline more cheaply. Once duplication occurs, there is a different market. I do not have a problem with that. That is a reality.

Mr THOMAS: In the light of the actions deliberately taken by the Minister, to enhance or maintain its value, gas in Western Australia for the foreseeable future will be more expensive. We should wonder if that means there are thresholds below which the market will not go. An article in the financial press last week referred to the building of a pipeline from New Guinea to Queensland for an aluminium smelter. I have no idea what will be the cost of that gas.

Mr Barnett: It will be from an onshore gas field in New Guinea to a bauxite deposit. The Torres Strait waters are shallow and the distance is short, although I admit it is a lateral solution.

Mr THOMAS: The water in Torres Strait is not as shallow as the dry land between Dampier and Bunbury.

Mr Barnett: It is onshore gas, not from sub-sea deposits; it is a very short distance.

Mr THOMAS: It is not a very short distance.

Mr Barnett: It is 150 kilometres. That is competition; that is all right.

Mr THOMAS: It is a good thing. However, Western Australia is one of the world's major producers, if not the major producer, of alumina. How cheap does the gas have to be to make an aluminium smelter?

Mr Barnett: Two cents a kilowatt hour. The lowest price to which people have referred is 4¢ a kilowatt hour here. As you know, aluminium smelters rely essentially on hydro power.

Mr THOMAS: This one will not. I am sure that the Government will claim a credible position on lowering energy prices because they will come down from such a high base. The Minister is saying the price of the gas transmission charges are predicted to fall. That is desirable - but they will come down from such a high base. I am sure the member for Collie will be pleased about that because it will make the competitiveness of matters very close to her heart easier to preserve. However, they will not necessarily be in the interests of the State as a whole.

Mr Barnett: The member for Collie is happy because the new coal contracts are less than what your Government would have negotiated with a 600 megawatt power station.

Dr Turnbull: Collie is pleased with the situation and it is due to the hard work of the workers and management of the coal companies.

Mr THOMAS: I return to the purpose of this Bill. Regarding the Kalgoorlie situation, the Minister is able to claim that he is bringing in a cheaper energy price to the economy of Western Australia mainly because prices will come from such a high base. It would be difficult not to improve the situation given some of the structural constraints in this industry hitherto. To give credit where it is due, the Minister has presided over deregulation of the industry, the breakup of the utility and the disaggregation of the gas contracts. That is creditable and the Opposition has supported each matter that has been before the House. I hope the Minister will acknowledge that the process began during the term of the Government of which I was a part.

Mr Barnett: I have always acknowledged that.

Mr THOMAS: One of the areas where the Minister has claimed to be able to deliver cheaper energy is in the goldfields, where his Government has presided over the construction of the Pilbara to goldfields gas pipeline. In his second reading speech the Minister said -

The goldfields gas pipeline has delivered on its potential by increasing mineral processing, existing and new, due to lower priced electricity and the availability of natural gas as a process fuel.

I am not aware of any increased mineral processing, existing or new, which has taken place due to lower priced electricity and the availability of natural gas. I will be pleased if the Minister is able to elaborate. The feedback we have heard is complaints from industry that the foreshadowed cheap gas has not materialised.

Mr Barnett: Then why have they connected up to the pipeline?

Mr THOMAS: They have connected up because the alternative in many cases is diesel or electricity. The Minister throws up his hands in exasperation and says, "Why don't you fall at my feet in gratitude because I have delivered gas cheaper than diesel or electricity off the grid?" It is nowhere near cheap enough. The gas transmission charge is \$3 a gigajoule or substantially in excess of that. We are wringing our hands about the fact that it will go only from \$1.25 to \$1.05 in the south west of the State and are saying that that is far too expensive; it could be a lot cheaper than that - maybe 80¢ or 60¢. It would be a lot less if a proper competitive gas transmission industry were introduced into this State. People in the goldfields are putting up with in excess of \$3 a gigajoule transmission costs. The Minister has said that that is a worthy achievement because it is cheaper than diesoline. I suppose that is true. However, we have to ask, "So what?" That is not a lot. I suspect the situation is similar to that which occurred in this State when the North West Shelf commenced operating and the Dampier to Bunbury pipeline was connected to the south west. At that stage there were two price structures - coal-related prices and oil-related prices. If the alternative to using gas was oil, a certain price would be charged which was not much below the price of oil, but which was enough to make it worth changing so that it was worthwhile selling the product. If coal was the alternative the oil-related price was competitive with coal. As the member for Collie will tell us, coal is a lot cheaper than oil. The people who could not persuade SECWA that the alternative fuel was coal were paying the oil-related price. As the Minister said in one of his many second reading speeches that I have read over the past 24 hours, the pricing structure that allowed the pipeline to be built and the infrastructure to be built in the Pilbara served his purpose. However, as a former lecturer in economics he will tell us that it is a distorted market and one which is inefficient and unfair. People were paying for the same product in the same town - in the City of Perth for the most part - at prices that were different by a factor of 2:1 or 3:1. In one case people were told that their alternative was oil, not coal, and they had to pay a price that was a little less than coal whereas someone else who was coal-related had to pay a coal-related price. That is similar to what is happening in the goldfields. The alternative to gas is oil and they will be charged a price which I suspect is a mechanical calculation to work out a little cheaper than oil. I suspect the proponents are getting a very good return on that investment. We have not seen the lower prices which we were promised by the Minister prior to the 1993 election, and which were foreshadowed by the Minister in his second reading speech. Certainly they are lower than diesoline and I guess that is desirable. However, I suspect if there were a truly competitive pricing regime, they would be lower.

We must understand that as the goldfields gas pipeline is small bikkies in comparison with the Dampier to Bunbury natural gas pipeline - that is, about 70 TJ a day as opposed to the Dampier to Bunbury natural gas pipeline which is 500 TJ a day - we also must understand that the project we are talking about today is a small percentage of that. We have been advised that this project will consume 100 TJ per annum. It will be selling about 0.5 per cent of the gas that is carried on the Pilbara to goldfields gas pipeline. The amount of gas that is consumed is a very small proportion of that, although no doubt it is a matter of considerable convenience to the consumers of the eastern goldfields.

As I said earlier, marketers of energy will sell their product at whatever the market will bear - I guess they are no different from sellers of cars or any other product in that respect - and where the competing product is a more expensive source, such as oil, they will have the price up to something approaching that. The prices that are being achieved in the goldfields at present are much higher in my view than they might otherwise be. That is reflected in the prices that will be paid by the consumers on the goldfields consuming this product, because residential consumers will be paying a price which is about 4 per cent higher than the price which is charged to residential consumers on AlintaGas' south west network and 6 per cent higher than industrial consumers. They will be paying about \$15.60 a gigajoule as opposed to about \$15 a gigajoule in the metropolitan area. Therefore, they will be paying higher prices than consumers in Perth. However, if the competing energy source is electricity, or diesoline in the case of minor small business consumers, they will be happy to pay that and that is a substantial achievement.

AlintaGas has been the successful tenderer in this process. The Minister has sought to portray himself as someone who is protecting public assets and wonders why opposition spokespeople are adopting what he attempts to characterise as a position contrary to that. We say that the reverse is the case, although that may not be obvious to him. We on this side of the House are very proud of the public sector and of the publicly owned energy utilities. It is our understanding that the Minister was not too eager for AlintaGas to participate in the competitive tender process to see who would get the licences to operate on the goldfields. I understand the Minister would have preferred, as is the ideological position of the Liberal Party, that that be undertaken by a private company and the public sector should not be involved. Nevertheless, AlintaGas persisted and it has been announced by the Minister that AlintaGas is now in the position of being a preferred tenderer.

It is also interesting to consider how this situation came about. It reflects enormous credit on AlintaGas that it is in the position of being the preferred tenderer because there is no suggestion that any favour was given to it as a publicly

owned body. As I understand it, a condition of AlintaGas participating in that competitive tender was that it was not to use any of the powers it has under the Gas Corporations Act.

Mr Barnett: Didn't you say a few weeks ago that you didn't think AlintaGas should be involved in any bids for Kingstream business?

Mr THOMAS: No.

Mr Barnett: I stand corrected. I thought that was the Labor Party position. I thought some of your spokespersons were upset that Epic-AlintaGas were bidding for Kingstream business.

Mr THOMAS: I hope the Minister for Energy is not deliberately characterising an unfortunate -

Mr Barnett: I am trying to unravel Labor Party policy, if there is such a thing.

Mr THOMAS: We were concerned that AlintaGas was entering into a contract with a potential user of gas that would not only use the gas, but supply it. Epic Energy is a potential user of gas.

Mr Barnett: No, it is not. That is not correct. Epic's relationship is as a shipper of gas. Epic is no different from any other shipper on the current line, of which there are several, including Alcoa.

Mr THOMAS: It has an interest in Mt Gibson, and Mt Gibson in that same precinct is a potential user of gas. If that arrangement were to continue, I have no doubt that that arrangement would be illegal. It would certainly be illegal if it crossed state borders. I am sure the Australian Competition and Consumers Commission would be interested to look at that matter. The Opposition was concerned that AlintaGas was involved in such questionable business arrangements.

Mr Barnett: Do you regard AlintaGas' arrangement with Epic as questionable? I want that on the record because people in the marketplace must know that.

Mr THOMAS: I regard Epic's intentions as questionable and I have concerns when I find that AlintaGas is entering into a business arrangement with it. Ultimately Epic must divest itself of one or other of its interests; it should not have both. If both came off - that is, Mt Gibson and the pipeline project - it would have to decide in which industry it wanted to be. I hope the Minister agrees that that is the case. The Minister shakes his head.

The Minister for Energy suggests it is wrong that I should call into question this arrangement. However, the Minister, of all people, was quoted in the Press as saying that AlintaGas should not enter into this arrangement with Epic Energy without putting it out to tender. The Minister was corrected by the chief executive officer of AlintaGas who said the Minister had it wrong and that he misunderstood the situation. After that, they both went off the air. I am not sure who conceded to whom or whether they decided to agree to disagree. Does the Minister agree it should have gone to tender?

Mr Barnett: No.

Mr THOMAS: Did the Minister apologise to Mr Harvey?

Mr Barnett: No, I certainly did not. The Epic arrangement is that the bid to Kingstream is not by AlintaGas, but by Epic as a shipper of gas, under the same arrangements as several other shippers.

Mr THOMAS: I am aware of that; we have had that explained to us. Under the guidelines that exist for the separation of gas carriers and gas consumers, Epic should not have an interest in Mt Gibson and the pipeline, if both projects come to fruition. One or both may fall over, in which case that conflict would not arise. However, the regulators would be most interested in that situation if Epic had the contract.

Mr Barnett: It would be an interesting case to run with a shareholding in Mt Gibson of less than 1 per cent. It would be fascinating to run under the Trade Practices Act. You would need a terrific lawyer, or probably 100 of them, to get it into the courts.

Mr THOMAS: One hopes success is not proportionate to the number of lawyers one engages.

I return to the legislation that is before the House at present. The legislation will create three types of licences - a transmission licence, a gas trading licence and a gas distribution licence. The distinction between transmission and distribution in this legislation is 190 megapascals, whereas in the gas transmission and distribution regulations under the Gas Corporations Act the difference is 300 mPa. Why is there a difference in the threshold between transmission and distribution in this legislation, which differs by 50 per cent from that which exists under the Gas Corporations Act? That Act applies elsewhere in the State and, presumably, applies to many of the transmission routes that lead

to the areas that will be created by this legislation. As the Minister does not seem to be able to answer the question now, I will deal with that matter in Committee.

The licences that are being created - the licences for gas transmission, gas trading and gas distribution - are to be awarded for a maximum period of 10 years. After that 10 years they will go out for reapplication and can be renewed. This legislation states that the licences will not be renewed on an exclusive basis. For example, in the gas distribution area in the goldfields or in Leonora - a place that it has been suggested could benefit from this type of legislation - when a licence expires and the holders of that licence seek to have it renewed, it is not necessarily renewed on an exclusive basis. The Minister in his second reading speech cited that as evidence of the Government's commitment to competition in the industry. Members debated this matter earlier this evening. The Government is not as committed to competition as it should be. At present it is forgoing the option to introduce competition on what is, by all scales, by far the most important part of the project. In the near future a route will carry gas in excess of 500 TJ a day, as opposed to the route under this legislation that will carry only 70 TJ a day. The facilities that will be reticulated in that area account for only 0.5 per cent of that amount. It is undoubtedly important to consumers in that area; nonetheless, it is a small part of the overall industry in Western Australia. For the Government to introduce competition in that area but exclude it in the major area is most hypocritical.

Debate adjourned, on motion by Mr Grill.

*House adjourned at 10.10 pm*

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**QUESTIONS ON NOTICE**

**MINISTER FOR HOUSING - PORTFOLIO RESPONSIBILITIES**

34. Dr CONSTABLE to the Minister for Housing, Aboriginal Affairs, Water Resources:

What is the name of each committee, board, tribunal and all other similar bodies within the Minister's portfolios?

Dr HAMES replied:

Water Corporation:

Board of the Water Corporation  
No committees.  
No tribunals.

The Office of Water Regulation:

Ministerial Advisory Committee on Plumber Licensing  
Farm Water Coordinating Committee  
Bunbury Water Board  
Busselton Water Board

Water and Rivers Commission & Swan River Trust:

Board of the Water and Rivers Commission  
Rivers and Estuaries Council  
Albany Waterways Management Authority  
Avon River Management Authority  
Leschenault Inlet Management Authority  
Peel Inlet Management Authority  
Wilson Inlet Management Authority  
Swan River Trust  
Swan Cleanup Program Task Force

Homeswest:

Homeswest Board - pursuant to Section 8 of the Housing Act 1980.  
Aboriginal Housing Board - administrative body appointed by the Minister for Housing.  
Housing Advisory Committee - administrative body appointed by the Minister for Housing.  
Strategic Plan Advisory Committee - pursuant to the Commonwealth-State Housing Agreement.  
Public Housing Review Panel  
Regional Appeals Committees  
Keystart Group of Companies  
Ellenbrook Management Pty Ltd  
Ellenbrook Participants Committee

Rural Housing Authority:

The Rural Housing Authority Board  
The Industrial and Commercial Employees Housing Authority

Government Employees Housing Authority:

Government Employees Housing Authority

Aboriginal Affairs:

Aboriginal Lands Trust  
Aboriginal Cultural Material Committee  
Aboriginal Justice Council  
Commission of Elders  
Chief Executive Officer Working Party on Essential Services  
Legislative Review Reference Group

**GOVERNMENT PROPERTY - SALE**

56. Dr CONSTABLE to the Minister for Housing, Aboriginal Affairs, Water Resources:

(1) In relation to all real estate (land and buildings) sold within the Minister's portfolios in the 1995-96 and 1996-97 financial years -

- (a) where was the real estate situated (giving the actual address of the land and building);
  - (b) for what amount was the real estate sold;
  - (c) when, if ever, was the most recent valuation of the real estate conducted; and
  - (d) what was the value of the real estate according to the valuation?
- (2) What real estate within the Minister's portfolios is currently for sale or in the process of being sold?

Dr HAMES replied:

Government Employees Housing Authority;

- (1)-(2) In general terms in 1995/96 the Government Employees' Housing Authority sold property worth \$17.883m comprising 14 vacant lots for \$0.585m and 283 improved properties for \$17.298m through its various sale programs. Under existing policy, properties are generally required to be sold at the current market valuation although, in some instances where dwellings have been difficult to sell, up to 5 per cent below the assessed market valuation has been accepted. Properties to the value of \$11.132m have been sold in 1996/97 up to 31 March 1997. This relates to 153 improved properties for \$11.036m and 4 vacant lots at a value of \$0.096m. The specific information requested by the member would require considerable resources, which I am not prepared to commit for this purpose. If the member has a specific question about a particular property, I will provide it.

Homeswest:

- (1)-(2) In general terms in 1995/96 Homeswest sold 1 554 lots of land worth \$91.723m and 976 properties worth \$63.177m through its various programmes. Under existing policy properties are required to be sold at least at current market valuation. The specific information requested by the member would require considerable resources, which I am not prepared to commit for this purpose. If the member has a specific question about a particular property, I will provide it.

Rural Housing Authority and Industrial and Commercial Employees' Housing:

- (1)
  - (a) The Industrial and Commercial Employees' Housing Authority's real estate assets are located entirely in rural and remote areas throughout the state.
  - (b) For the financial year of 1995/96, 67 units of accommodation were sold. The sales realised an amount of \$5 913 750.  
  
For the 1996/97 financial year to 20 February 1997, 20 units of accommodation have been sold realising an amount of \$2 210 900.
  - (c) The authority does not have the resources to supply individually the details requested, however the authority would assist any inquiry on an individual basis. Generally, properties are contracted for sale within 6 months of the date of valuation.
  - (d) The authority does not have the resources to supply individually the details requested, however the authority would assist any inquiry on an individual basis. Generally, properties are sold within a five per cent range of valuation.
- (2) Please find listed, properties which are in the process of being sold for 1996/97 -

Boulder:	Rabbish Place 1157 Knowsley
Derby:	1110 Bauhinia Place 1147 Tower Place 1/1093 Yeeda Close 2/1093 Yeeda Close 3/1093 Yeeda Close 4/1093 Yeeda Close 1/1094 Yeeda Close 2/1094 Yeeda Close 3/1094 Yeeda Close 4/1094 Yeeda Close
Eneabba:	366 White Court 367 White Court 368 White Court
Greenbushes:	86 Blackwood Road 100 Blackwood Road

Kalgoorlie: 4 Allsop Close  
 14 Altham Street  
 5 Carroll Place  
 6 Flanagan Parade  
 14 Flanagan Parade  
 18 Flanagan Parade  
 3 Teahan Street  
 10 Teahan Street  
 16 Teahan Street  
 Karratha: 6 Atkinson Way  
 14 Atkinson Way  
 18a Atkinson Way  
 18b Atkinson Way  
 1 Caddy Court  
 3 Corbett Place  
 12 Cowan Way  
 5a Criddle Way  
 5b Criddle Way  
 23a Criddle Way  
 23b Criddle Way  
 32a Delambre Drive  
 32b Delambre Drive  
 1 Edney Way  
 4 Farwig Ct  
 4 Galbraith Road  
 13 Lady Douglas Way  
 14 Lawrence Way  
 43 Legendre Road  
 11 Lenord Way  
 30 Marsh Way  
 31 Marsh Way  
 19 Mosher Way  
 10 Nelson Court  
 7a Pelusey Way  
 7b Pelusey Way  
 4 Smith Place  
 8a Stanbridge Way  
 8b Stanbridge Way  
 20 Teesdale Place  
 3 Truslove Way  
 Koombana: 17 Boogalla Court  
 16 Curlew Crescent  
 14 Daylesford Close  
 12 Dorrigo Loop  
 21 Dorrigo Loop  
 32 Egret Crescent  
 10 Marri Court  
 1 Nyanda Place  
 15 Spoonbill Crescent  
 17 Spoonbill Crescent  
 9 Wambiri Street  
 Kununurra: 1958 Banyan Street  
 2219 Barringtonia Avenue  
 1943 Eucalyptus Close  
 1945 Eucalyptus Close  
 1886 Flametree Street  
 1465 Mallee Court  
 1898 Sandlewood Street  
 Lake Grace: 9 Morrison Avenue  
 Lake King: 179 Hetherington Street  
 Leonora: 136 Hoover Street  
 821 Hoover Street  
 Manjimup 33 Wattle Crescent  
 Merredin: 14 Cowan Way  
 38 Pollock Avenue  
 Moora: 59 King Street  
 4 Kintore Street  
 Mt Magnet: 469 Richardson Street  
 Narrogin: 8 Hough Street  
 51 Hough Street  
 Shellborough: 4 Extrema Loop  
 97 Paton Road  
 Three Springs: 214 Franklin Street  
 Walnut Grove: 28 Hollings Place

Wickham: 34 Herbert Way  
8 Nelley Way  
258 Stove Court  
Wongan Hills: 16 Camm Street

Water Corporation:

- (1) (a) (i) Pt Lot 10, Peelwood Parade, Halls Head  
(ii) Ptn Canning Loc 31, Fancote Street, Kelmscott  
(iii) Ptn Canning Loc 25, Rathbone Road, Riverton  
(iv) Pt Lot 6, Le Grande Avenue, Albany  
(v) Lot 4, Gunn Road, Albany  
(vi) Lot 1, Thelma Street, Como  
(vii) Pt Lot 403, Pt Lot 404, Pt Lot 406, Pt Lot 21 & Lot 4, Orrong Road, Kew Street and Star Street, Welshpool
- (b) (i) \$12,523.38  
(ii) \$3,200  
(iii) \$7,300 (plus drainage works and retention of an easement)  
(iv) \$3,500  
(v) \$290,000  
(vi) \$10,000 (plus cost of constructing sewer main)  
(vii) \$3,559,000
- (c) (i) April 1990 with CPI adjustments as per original contract of sale for purchase of land from original owner.  
(ii) November 1995 (in house assessment)  
(iii) October 1992 (in house assessment)  
(iv) February 1996  
(v) March 1993  
(vi) March 1996 (in house assessment)  
(vii) May 1996
- (d) (i) \$12,523.38  
(ii) \$3,200  
(iii) \$7,300  
(iv) \$3,500  
(v) \$320,000  
(vi) \$10,000 plus cost of constructing sewer main  
(vii) \$3,655,000 to \$4,000,000
- (2) Pt Lot 450, Pearson Street, Churchlands  
Lot 16 Becher Street, Harvey  
Lot 116 May Street, Bayswater  
Lot 164 The Strand, Bayswater  
Lot 148 Kentia Close, Warnbro  
Lots 71 & 98 Magnet Road, Canning Vale  
Lots 71 & 79 South West Highway, Waroona

Office of Water Regulation:

- (1) The Office of Water Regulation has not sold any real estate in the 1995-96 and 1996-97 financial years.  
(2) The Office of Water Regulation has no real estate currently for sale or in the process of being sold.

Water and Rivers Commission and Swan River Trust:

- (1) The Water and Rivers Commission and Swan River Trust have not sold any land or buildings in the 1995-96 and 1996-97 financial years.  
(2) None.

Aboriginal Affairs:

- (1) (a) Roe Location 2661, 2662 Lake Grace  
(b) \$680,000 (1995/96)  
(c) September 1995, October 1995  
(d) September 1995 - \$580,000  
October 1995 - \$620,000
- (2) None.



## MIGRANTS - EDUCATION

*Intensive Language Centres*

122. Ms WARNOCK to the Minister for Education:

How many newly arrived migrant children of culturally and linguistically diverse backgrounds have graduated from the Intensive Language Centres after -

- (a) six months attendance;
- (b) 12 months attendance;
- (c) 18 months attendance; and
- (d) 24 months attendance,

at a -

- (i) primary school level; and
- (ii) the secondary school level?

Mr BARNETT replied:

(a)	(i)	1994	56
		1995	75
		1996	106
(a)	(ii)	1994	68
		1995	96
		1996	101
(b)	(i)	1994	223
		1995	249
		1996	276
(b)	(ii)	1994	114
		1995	249
		1996	194
(c)	(i)	1994	17
		1995	12
		1996	27
(c)	(ii)	1994	2
		1995	16
		1996	13
(d)	(i)	1994	0
		1995	2
		1996	3
(d)	(ii)	1994	0
		1995	10
		1996	12

ARTS AND CULTURE - WA CONSERVATORIUM OF MUSIC AND WA ACADEMY OF PERFORMING ARTS

*Letters to Minister*

196. Mr KOBELKE to the Minister for Education:

- (1) How many letters has the Minister received regarding the Western Australian Conservatorium of Music and the Western Australian Academy of Performing Arts since taking on the portfolio of Education?
- (2) What action has the Minister taken to investigate the issues raised in those letters?
- (3) With reference to the letter, ministerial reference No 75630 dated 6 March 1996, did the Minister state "The proposal to amalgamate the Conservatorium and the University of Western Australia's School of Music has been considered on a number of occasions previously and has not been received with a great deal of enthusiasm"?
- (4) Was it the case that a meeting which took place between the Conservatorium and the University of Western Australia's School of Music between 1990 and 1992, where the issue of the amalgamation of the two schools was discussed, the proposal to amalgamate the two schools received the unanimous support of the teaching staff and departmental heads of both institutions?

- (5) In the letter, Ministerial reference No. 75630, did the Minister further state that some "worthwhile sharing of resources [between the two institutions] may be possible and this is already happening to some extent"?
- (6) Is it the case that at the time the Minister's letter was written, the Conservatorium/Academy administration had forbidden staff to teach students enrolled at the University of Western Australia's School of Music and had attempted to prevent a visiting artist engaged by the Conservatorium to appear at the University of Western Australia despite prior arrangements having been made to the contrary?
- (7) Is it also the case that the University of Western Australia's School of Music has placed no such restrictions on its staff or visiting artists?
- (8) Was the Minister advised by the original correspondent in a letter dated 18 March 1996 about the apparent discrepancies between his advice and the facts of the matter?
- (9) In view of this, what action did the Minister take to confirm the reliability of his advice to protect the integrity of future ministerial correspondence?
- (10) Did the Minister state, in reply to the original correspondence, Ministerial reference No 02914 dated 15 April 1996, "I have been advised that the Board of Management of the Western Australia Academy of Performing Arts has established a Working Party to consider the Academy's operation"?
- (11) Is it the case that this working party was formally disbanded by the Board on 5 March 1995 having never met?
- (12) Was the person responsible for providing the above advice to the Minister, the Director of the Academy of Performing Arts, Dr Geoffrey Gibbs?
- (13) What action does the Minister intend to take in the future on the matters raised by members of the public in those letters, and when?

Mr BARNETT replied:

- 1) 23 letters from the public.
- (2) In January 1996 the University had appointed an independent consultant to report on a range of matters relating to the Western Australian Conservatorium of Music. I therefore felt that the opportunity should be afforded for the Report to be prepared, for the University to consider the Report and what action it should take and then for it to implement the recommendations. In the meantime, I have been kept informed of the situation.
- (3) Yes.
- (4) I am aware that some informal meetings took place between staff of the Conservatorium and the School of Music between 1990 and 1992. The proposal to amalgamate the two schools was not supported by the Board of Management of the Academy and was not proceeded with by either the Academy or the School of Music. In any event the proposal involved only the Department of Classical Music of the Conservatorium.
- (5) Yes.
- (6) At the time my letter was written I was not aware of any restriction on Conservatorium staff to teach students in the School of Music or that any attempt had been made to prevent a visiting artist employed by the Conservatorium from appearing at The University of Western Australia. It is current Edith Cowan University Council policy that the Western Australian Academy of Performing Arts should co-operate with The University of Western Australia's School of Music in appropriate ways.
- (7) I am not aware that The University of Western Australia's School of Music has placed any restrictions on staff or visiting artists to teach or perform at the Conservatorium.
- (8) The correspondent had a different view about the desire to amalgamate the Conservatorium and the School of Music and the extent to which there had been sharing of resources between the two institutions.
- (9) In the circumstances I chose to await the Report of the independent consultant appointed to review concerns regarding the Conservatorium, including the broader issue of the relationship between the Conservatorium and the School of Music, as this seemed more relevant than endeavouring to distinguish between a number of different recollections of past events.

- (10) Yes.
- (11) The Board of Management disbanded the Working Party in view of the appointment of the independent consultant to review the concerns regarding the Conservatorium.
- (12) No.
- (13) The concerns in those letters are being addressed in the context of the University's response to the Nairn Review. On 10 March 1997, I met with the Deputy Vice-Chancellor of Edith Cowan University and the Director of the Academy to discuss the current situation. Since then I have met with music industry and university representatives and have decided to establish a working group to consider the possible concentration of classical and/or orchestral music education in Western Australia on one campus.

ARTS AND CULTURE - WA CONSERVATORIUM OF MUSIC

*Management Problem - Review*

197. Mr KOBELKE to the Minister for Education:
- (1) When was Professor Mal Nairn appointed to head an internal review into the management problems at the Western Australian Academy of Performing Arts, affecting the Western Australian Conservatorium of Music?
  - (2) How and when was this review advertised?
  - (3) When and how were members of the Academy community notified about the review and invited to participate in it?
  - (4) What were the terms of reference for this review of the Western Australian Conservatorium of Music?
  - (5) Does the report discuss the processes of appointing Deans in the Academy's School of Visual Arts and in the Conservatorium of Music?
  - (6) What are Professor Nairn's comments and suggestions about the composition of selection committees for the appointments of Heads of Schools/Deans?
  - (7) What are Professor Nairn's comments about the composition of the selection committees for the appointments of Deans to these two positions?
  - (8) What was the composition of the actual selection committees which made the recommendations for the appointments mentioned in (5) above?
  - (9) What were the selection criteria for the positions mentioned in (5) above?
  - (10) Did the Deputy Vice-Chancellor of Edith Cowan University make a statement to *The Australian* published on 3 April 1996 about the timing of the selection processes for the appointments, in (5) above, relative to the consideration of the Nairn report, that "it's the timing of when applications close, short listing, conducting of interviews; most of this will take place after Professor Nairn has put in his report"?
  - (11) On what date did applications close for the positions in (5) above?
  - (12) On what date were candidates short-listed for the positions in (5) above?
  - (13) Who were those applicants and what were their qualifications?
  - (14) What was required of the short-listed candidates during the interviews for this position, between 20 and 23 May 1996?
  - (15) What procedures were employed in the selections process by the Academy to include staff and student opinion of those candidates?
  - (16) How were these opinions represented to the selection committee?
  - (17) When was the decision regarding an appointment for the position of Dean made and by whom?
  - (18) When was the successful candidate for that position
    - (a) first offered the appointment;
    - (b) under what circumstances; and
    - (c) by whom?

- (19) When the appointment to that position was made, had Professor Nairn's report been tabled and discussed at a meeting of the Academy's Board of Management?
- (20) On what date did members of the Academy's Board of Management receive copies of the Nairn report?
- (21) When was the Nairn report tabled for discussion by the Board of Management?
- (22) Did two members of the Academy Board of Management, namely the Chairman of the Conservatorium Advisory Committee and the Conservatorium Student Representative, resign from the Board in protest over the selection process for the position of Dean of the Conservatorium?
- (23) Is it the case the Edith Cowan University Council requested information from the Academy's Board of Management at its meeting on 20 June 1996 regarding the appointment procedures used in making the appointment to the position of Dean of the Western Australian Conservatorium?
- (24) What was the response of the Academy's Board of Management to that request?
- (25) What is the current status of the Nairn recommendations and their implementations?
- (26) Does the Minister support the recommendations of the Nairn report?
- (27) Will the Minister monitor the implementation of the Nairn recommendations?

Mr BARNETT replied:

- 1) In January 1996.
- (2) Members of the University were advised about the Review through the University Gazette published on 21 March 1996.
- (3) In addition to the announcement in the University Gazette, the Director of the Academy advised Academy staff of the Review and encouraged staff to contribute to the Review. Professor Nairn also called for submissions through various University publications and also targeted groups and individuals.
- (4) The Terms of Reference were:
  1. To review the WA Conservatorium of Music and to recommend to the Vice-Chancellor of Edith Cowan University measures which could be taken to resolve any management, funding and staffing issues within the WA Conservatorium of Music which have been raised.
  2. In doing so, to consider the inter-relationship between the Conservatorium and the WA Academy of Performing Arts and University generally, and to make appropriate recommendations which take that into account.
  3. The WA Conservatorium exists to enhance the teaching of music in Western Australia. You will also therefore consider and recommend to the Vice-Chancellor of Edith Cowan University, ways in which the potential for collaboration between the Conservatorium and other music providers in Western Australia might be further enhanced.
- (5-7) Yes. Professor Nairn stated that: "The principle that the University has followed in appointing Heads of School is to give staff within the relevant school some reasonable voice in the selection process. ...The current process for appointing the Deans of the School of Visual Arts and the School of Music (Conservatorium) seems to follow the process for selection of Professors rather than Heads of School or even Deans. ...In each case there is only one staff member from the relevant school". However, in view of the professorial salary rates, the Vice-Chancellor had asked the Academy to consider the appointment of Deans/Professors for future senior appointments at the Academy and the Board of Management of the Academy had so decided. The two appointments in question were to the Dean/Professor position and used the Dean/Professor (not Head of School) selection process, as endorsed by the University Deputy Vice-Chancellor Staffing and the Academy Board of Management.
- (8) Chairman, Board of Management;  
Chancellor of the University or his nominee;  
Vice-Chancellor of the University or his nominee;  
Director of the Academy;  
Academy Senior Administrative Officer;  
Dean of the WA School of Visual Arts;  
Dean of the WA School of Dramatic Arts;  
Chairperson of the Conservatorium Advisory Committee;

Representative of the WA Conservatorium of Music, appointed by the Chairman of the Committee on the recommendation of the Director of the Academy;  
 Community representative of the Board of Management;  
 Two community representatives with expertise in the area appointed by the Chairman of the Committee on the recommendation of the Director of the Academy;  
 Chairman of the University Academic Board or his nominee.

It was agreed that Mr N. Hasluck be the community representative of the Board for the position of Dean of the Conservatorium and Mrs Joan Campbell for the position of Dean of School of Visual Arts.

- (9) For Selection Criteria - See paper No 416.
- (10) The Deputy Vice-Chancellor was reported in *The Australian* as having made the statement.
- (11) 30 March 1996.
- (12) 10 April 1996.
- (13) Applicants for positions of this kind expect their applications to be kept confidential.
- (14) They were required to answer a standard set of pre-determined questions which addressed the selection criteria.
- (15) The staff were given access to the CVs of shortlisted candidates and were invited to meet shortlisted candidates at a working breakfast or lunch. Staff and students were invited to attend a seminar or performance presented by each candidate.
- (16) Staff were advised that they could pass opinions on to any member of the Selection Committee. Some members of the Selection Committee actively solicited comments from staff in written form.
- (17) In compliance with Academy policy the Selection Committee recommended the successful candidate to the Director of the Academy, who accepted the recommendation on the day of the interview.
- (18)
  - (a) 10 June 1996.
  - (b) The contract was offered under normal University contract format.
  - (c) The Director of the Academy, as Chief Executive Officer.
- (19) The Nairn Review had been tabled but not discussed. However, the Deputy Vice-Chancellor Staffing advised that there was nothing in the Nairn Review to preclude proceeding with the appointment.
- (20) 28 May 1996.
- (21) 28 May 1996.
- (22) The Chairman of the Conservatorium Advisory Committee and the Conservatorium Student Representative both resigned from the Board of Management.
- (23) Yes.
- (24) The Director attended the University Council meeting to answer questions relating to the appointment procedures for the two positions. The University Council accepted the explanation and ratified the appointments which had been made in compliance with the Academy Board of Management procedures.
- (25) The Board has accepted Recommendations 2-7, which have been adopted and implemented, but has not accepted Recommendation 1. Recommendation 1 was referred to an independent consultant, Lloyd Guthrey, who chaired a Working Party to examine this matter and report back to the Board of Management of the Academy and the University Council. The report is under active consideration.
- (26) I am awaiting advice from the University on the outcomes of its response to the Nairn Review.
- (27) I will continue to monitor the implementation of the Nairn recommendations.

#### ARTS AND CULTURE - MUSIC

##### *Duplication of Resources*

199. Mr KOBELKE to the Minister for Education:

- (1) Is it true that both the Wigmore Music Library of the University of Western Australia and the music section of the Western Australian Academy Library duplicate resources in the following areas -

- (a) collected editions (complete works of the major composers);
  - (b) periodicals; and
  - (c) music scores and parts?
- (2) What is the annual budget allocation for these resources in the two libraries?
  - (3) How many concert grand pianos do the University of Western Australia and the Western Australian Conservatorium have each?
  - (4) What was the estimated cost of these instruments?
  - (5) How many courses in classical music are duplicated by the two tertiary music institutions?
  - (6) Are there enough students in classical music in Western Australia to justify the duplication of these courses by the two universities?
  - (7) Given the Minister's comments concerning the unnecessary duplication of resources across Western Australia's tertiary institutions, what actions will the Minister take to address both the management problems at the Western Australian Academy of Performing Arts, the Conservatorium of Music in particular, and the educational needs of the State's music students?

Mr BARNETT replied:

- (1) (a)-(c) It is inevitable that there will be some duplication between the two libraries and it would be surprising if this were not so. While the Wigmore Library is older and has a richer collection of collected editions, the Academy library is more comprehensive with collections not only in the classical area, but also in jazz, commercial music and musical theatre. However, there is currently a strategy in place to avoid excessive duplication between the two libraries and the State Library.
- (2) The WA Conservatorium of Music spends \$45,000 per year on acquisitions for its music library in the areas of classical, jazz and commercial music. The annual budget for the Wigmore Library in the categories listed is estimated at approximately \$10,000. However, these are not the only categories in the Wigmore Library and, if monographs and audio-visual materials are included, the budget is in the order of \$45,000. Both libraries are supported by works in the universities' Arts faculties.
- (3) The WA Conservatorium has two concert grand pianos. One is a Bosendorfer which was donated and the other is a Steinway Concert Grand. There are 6 concert grand pianos at The University of Western Australia.
- (4) The Bosendorfer incurred no cost to the Academy and is currently valued at \$65,000 and the Steinway Concert Grand cost \$100,000. The total value of the pianos at the University of Western Australia is estimated at \$317,000. The cost cannot be estimated because of the varying modes of acquisition.
- (5) The WA Conservatorium offers programs which are different from those which are offered at The University of Western Australia. The only course that has similarity to that offered at The University of Western Australia is the Bachelor of Music (Performance). However, the degree at the Academy can be taken with Jazz or Classical background while the UWA degree is Classical only. In regard to the Bachelor of Education (Music Education), the UWA degree is primary and secondary whereas the Academy is secondary only.
- (6) Where there is sufficient load to justify duplication of courses, these are provided. The Conservatorium is meeting its quotas and, in some areas, demand exceeds capacity to provide places. It should be noted also that Western Australia has fewer people enrolled in the visual and performing arts than could be expected based on national figures (4.2 per cent of student load compared with 4.9 per cent nationally) and there may be a case for expanding current provision.
- (7) Rationalisation of programs is not a blanket solution to duplication. I have been concerned to give Edith Cowan University ample time to respond to the Nairn Review which does not propose a merger of the two music schools but does encourage exploring practical ways of achieving genuine cooperation. I had hoped to see a commitment to a time frame for establishing a firm basis of cooperation with specific undertakings on both sides. However, events have now been overtaken by my action to establish a working group to consider the possible concentration of classical music and/or orchestral music education in Western Australia on one campus.

ARTS AND CULTURE - WA CONSERVATORIUM OF MUSIC

*Students - Withdrawal of Enrolments*

200. Mr KOBELKE to the Minister for Education:

- (1) Is it true that the Western Australian Conservatorium of Music failed to provide instruction to students enrolled in elective units in conducting and chamber choir for the entire first semester of the 1996 academic year?
- (2) If so, why?
- (3) Were students recruited into the Master of Music degree program in 1996 told that they could enrol in the course on a part-time basis, and then, after enrolling, later told that they could only enrol as full-time students?
- (4) How many students enrolled in Conservatorium courses at the beginning of 1996 withdrew their enrolments subsequently?
- (5) What has been the response of the University to these concerns?
- (6) Has the manner in which Edith Cowan University, the Academy of Performing Arts and the Western Australian Conservatorium dealt with these concerns and complaints resulted in their being resolved to the satisfaction of the students?
- (7) Did articles appear in the Edith Cowan University Student Guild newspaper, *Harambee*, in August and September 1996, raising serious questions about the management of students' education and the treatment of students by senior management at the Academy?
- (8) What was the University's response to the allegations contained in these articles?

Mr BARNETT replied:

- (1-2) The elective units in chamber choir and conducting were not available to students enrolled in the WA Conservatorium of Music in Semester 1, 1996 because of the non-availability of staff to teach the course units. Both were offered in Semester 2. For efficiency reasons, it is usual practice in universities when numbers of students are small that electives are not offered in every semester and it is not uncommon for performing arts institutions to adjust delivery of practicum according to the availability of performance staff.
- (3) If students were told that it was possible to undertake the Master of Music degree on a part-time basis, they were misinformed. This course is a full-time course.
- (4) 20 students withdrew from Conservatorium courses during 1996. This represented an attrition rate of 8.5%. This is below the attrition rates normally expected in universities.
- (5) The current retention rate of the WA Conservatorium of Music has not been a matter of concern.
- (6) The small number of students inconvenienced in Semester 1 because of non-availability of units were catered for in Semester 2. While the University regrets any inconvenience caused, it acted to ensure minimal course disruption in the prevailing circumstances.
- (7) Yes.
- (8) A retraction and apology from the Guild President appeared in the following issue.

ARTS AND CULTURE - WA ACADEMY OF PERFORMING ARTS

*Ms Lynn Fisher - Judgment*

225. Mr KOBELKE to the Minister for Education:

- (1) Did Ms Lynn Fisher, a staff member in the Department of Dance at the Western Australian Academy of Performing Arts, win a judgment for unlawful termination and unfair dismissal against the Academy in the Industrial Relations Commission in September 1996?
- (2) What, to date, has been the net cost to the Academy and Edith Cowan University for -

- (a) compensation;
- (b) reinstatement;
- (c) overall legal fees,

associated with this case?

- (3) Is ECU appealing the Commission's decision?
- (4) If so, on what basis?
- (5) What is the anticipated cost to ECU and the Academy of conducting this appeal?
- (6) What were the Commissioner's off-the-record comments regarding the settlement of this matter by ECU and the Australian Higher Education Industrial Association?
- (7) How many other ECU staff have lodged claims of unlawful termination and unfair dismissal against ECU in the Industrial Commission?
- (8) How many such cases are also pending?
- (9) Of these, how many involve staff at the Western Australian Academy of Performing Arts?
- (10) Is there a connection between ECU's Vice-Chancellor's decision to commission the internal review of the Conservatorium by Professor Mal Nairn and the manner in which selection processes have been conducted at the Western Australian Academy of Performing Arts over the past six years?

Mr BARNETT replied:

- (1) No matters have been dealt with by the Australian Industrial Relations Commission. Ms Fisher was successful in her application before a Judicial Registrar of the Industrial Relations Court. The Judicial Registrar found that Ms Fisher had been unlawfully terminated and unfairly dismissed. That decision was overturned on appeal to Justice Madgwick.
- (2) (a)-(c) The University has borne no legal costs at this stage as the matter has been handled by the Australian Higher Education Industrial Association. AHEIA has provided advocacy support for hearings before the Judicial Registrar and engaged counsel for the Appeals. The University was obligated to lodge an amount of \$4,655.31 in a trust account with its legal representation after the initial finding of the Judicial Registrar. This is the amount Ms Fisher would be entitled to as compensation. That amount plus interest will be returned to the University if the Full Bench upholds the decision of Justice Madgwick.
- (3) The University successfully appealed the decision of the Judicial Registrar and the initial decision was overturned.
- (4) The appeal was to determine the principle that a contract ends on the date on which it expires and that the Judicial Registrar had erred in law in finding that the Court had jurisdiction to hear the matter. The applicant was employed on a year's contract which was fully honoured by the Academy. She was advised before the contract had run its course that she would not be offered another contract. That was clearly articulated in the contract she signed which stated categorically that the employment would finish on December 31, 1995. Further employment was not available. It was the contention of the University that Ms Fisher had not been terminated at the initiative of the employer, but rather her contract had terminated through the effluxion of time. Justice Madgwick upheld the appeal of the University on 12 November 1996.
- (5) The costs to the University and the Academy for conducting the appeal were nil as they were borne by the Australian Higher Education Industrial Association. The National Tertiary Education Industry Union has since appealed the decision of the Magistrate. The matter was heard on 3 February 1997 in Melbourne but the decision is pending a Full Bench of the Australian Industrial Relations Commission Court. It is not expected that there will be any legal costs to the University.
- (6) It is not known what off-the-record comments were made by the Judicial Registrars involved in the case. However, Justice Madgwick made on-the-record comments to the effect that he was bewildered by the Union's application.
- (7) From the middle of 1996 until the end of January 1997 there were eight claims of unfair dismissal made against the University.



- (8) Only one case is still pending. The National Tertiary Education Industry Union has indicated that it will withdraw the application if it is unsuccessful in its current appeals. There are two matters under appeal. Both have findings in favour of the University. The five other matters have been withdrawn by the applicants.
- (9) Four of the cases involve staff of the Academy. These include the two matters under appeal and two of the matters that have been withdrawn by the applicants.
- (10) The Vice-Chancellor was of the view that the efficient work of the Conservatorium would be facilitated by the advice of an independent consultant on a broad range of issues.

## ARTS AND CULTURE - WA CONSERVATORIUM OF MUSIC

### *Staff Appointments*

226. Mr KOBELKE to the Minister for Education:

- (1) Were two senior appointments, namely Acting Dean of the Conservatorium and Head of Department (Classical Music), made at the discretion of the Director of the Academy of Performing Arts, without internal or external advertisement?
- (2) With respect to the position of Head of Department (Classical Music), and the nature of that position, how was this appointment made, and on what basis?
- (3) With respect to the position of Acting Dean, and the nature of that position, could an internal appointment have been made?
- (4) What was the total cost of making this appointment externally rather than internally?
- (5) Did the person appointed as Acting Dean have -
  - (a) any formal academic qualifications; and
  - (b) any previous tertiary managerial experience?
- (6) Did Conservatorium staff express their concern about the advisability of this appointment?
- (7) If so -
  - (a) how;
  - (b) when?
- (8) Was there an Academy Board of Management resolution concerning the role of the Acting Dean within the Conservatorium in 1996?
- (9) What was the content of that resolution?
- (10) Has the manner in which business in the Conservatorium been conducted in 1996 reflected the content of that resolution?
- (11) Were the problems associated with decision making and selection processes within the Academy of Performing Arts ever raised by the inaugural Dean of the Conservatorium, Richard Gill, with the academy director and board of management?
- (12) If so -
  - (a) how;
  - (b) when?
- (13) Were these problems ever raised again by staff subsequent to the resignation of the inaugural Dean?
- (14) If so -
  - (a) how;
  - (b) when?
- (15) How did the conservatorium and academy administrations respond to those concerns?
- (16) Was a seminar held at the Esplanade Hotel in Fremantle in late 1993 to discuss problems in the conservatorium?

- (17) Who attended this seminar?
- (18) Did staff and students articulate concerns about management problems at that seminar?
- (19) What was the nature of these concerns?
- (20) What measures were taken by the academy and Edith Cowan University management to address these problems?
- (21) Was a sub-committee of the board of management formed in late 1995 to address the conservatorium's problems?
- (22) Did this sub-committee ever meet?
- (23) If not, why not?
- (24) In December 1995, did conservatorium staff meet with the Acting Director of the Western Australian Academy of Performing Arts and pass a unanimous resolution calling on the academy board of management to urgently discuss problems within the conservatorium?
- (25) If so, what were the details of this request and what was the academy board of management's response to it?
- (26) Was this request repeated at a later staff meeting?
- (27) If so, what was the response to this request?
- (28) What are the duties and obligations of the academy board of management under Edith Cowan University Statute No 15?
- (29) How many staff meetings were held in the Classical Department of the conservatorium in -
  - (a) 1995;
  - (b) 1996?
- (30) In the 1993 accreditation documents, what was the policy established regarding staff meetings in the conservatorium?

Mr BARNETT replied:

- (1) Yes, in accordance with established procedures.
- (2) A Senior Lecturer who had acted in the position of Head of Department of Classical Music was assigned the administrative duties as Head of Department.
- (3) Technically yes, but personality differences made this inappropriate.
- (4) The additional cost involved was domestic airfares amounting to \$1,711.90.
- (5) (a)-(b) No.
- (6) The appointment of the Acting Dean was discussed with senior Conservatorium staff who supported the proposal as did a number of the teaching staff within the Conservatorium. Some staff of the Department of Classical Music of the Conservatorium did not support the appointment.
- (7) (a)-(b) These sentiments were communicated to the Board of Management through the elected staff representative on the Board.
- (8) Yes.
- (9) The resolution stated: "that the Board recognises the management of the Academy should be conducted in an atmosphere of calmness and stability and this approach should apply especially to the period preceding the appointment of a Dean. The Board therefore expects that, subject to the supervision of the Director, the Acting Dean of the WA Conservatorium of Music will endeavour to achieve this objective".
- (10) Yes. The Dean conducted himself and the business of the Conservatorium according to the resolution. However, the necessary level of cooperation and support for the Dean was not forthcoming from all staff.
- (11) Yes. However, when Mr Gill joined the Conservatorium in 1985 it was a very different institution and not part of a university.

- (12) (a) Mr Gill had discussions with the Director of the Academy and may have tabled papers.  
(b) 1985.
- (13) They may have been and, if so, this would have been through the usual channels. It is difficult to be more precise when the question is not specific.
- (14) (a-b) I believe problems were raised but I have no further details.
- (15) The Conservatorium and the Academy responded to the concerns of staff as they were raised.
- (16) Yes. It was one of the first initiatives of the new Director to try and resolve the longstanding concerns of staff within the WA Conservatorium of Music.
- (17) The seminar was attended by Conservatorium staff, members of the Academy Board of Management including its Chairman, student representatives and an independent consultant the Academy had engaged to help counter the negativity being generated by a few members of staff.
- (18) A small number of staff dominated the meeting through relentless attacks on the Dean of the Conservatorium. It was difficult for the Chairman to move beyond the level of acrimony generated at the meeting. The Jazz student representative made it quite clear that the Jazz program within the Conservatorium was highly regarded and meeting student expectations. The concerns voiced by disaffected staff were not universally supported.
- (19) The concerns included management style and the fact that a position had not been substantively filled but it is difficult to get to the root of some of the concerns which appear deeply entrenched.
- (20) Ms Jean Farrant was confirmed in the position of Head of Department of Classical Music subsequent to her having acted in that capacity for some time. The Dean restructured the Classical Music Department into a number of divisions and appointed coordinators for major teaching areas.
- (21) Yes.
- (22) No.
- (23) The Vice-Chancellor appointed Professor Nairn to undertake a review of a range of concerns associated with the WA Conservatorium of Music. In the circumstances it was decided not to proceed with the sub-committee.
- (24) Yes.
- (25) That the Board of Management hold an extraordinary meeting. The Chairman of the Board indicated that because it was December it was difficult to get a quorum at short notice. In view of the Director's absence from the State it was appropriate to raise the issues at the next scheduled meeting. Subsequently the Board established a Working Party to consider the claims raised by Conservatorium staff members. The Working Party consisted of representatives from the Conservatorium, senior management from the Academy and representatives from the Board of Management. It was chaired by the Academy Board of Management Chairman.
- (26) Apparently some members of the Conservatorium staff lobbied the Board of Management to hold an extraordinary meeting regardless of the Chairman's decision.
- (27) An extraordinary meeting did not take place but the concerns raised by a section of the staff of the Classical Music Department were considered at the first Board meeting in 1996 and the minutes of the meeting of the Working Party referred to in Item 25 were provided to Professor Nairn to assist him in his review of the WA Conservatorium of Music.
- (28) Statute 15 - See paper No 417.
- (29) (a) Fortnightly until Term 4 commenced.  
(b) Two full staff meetings of Jazz and Classical staff;  
eight coordinators' meetings;  
six meetings of Academic Studies Coordinators; and  
two other meetings with instrumental staff.
- (30) That there should be regular staff meetings. These were called until the situation became untenable due to the level of acrimony on the part of some staff.

## UNIVERSITIES - CURTIN

*Kalgoorlie Campus*

296. Ms ANWYL to the Minister for Education:

- (1) When will the Minister announce the composition of the Curtin University of Technology Kalgoorlie Campus Council?
- (2) Why has there been a delay?
- (3) When will a permanent appointment of a Director to the Kalgoorlie campus be made?
- (4) Why has there been a delay?

Mr BARNETT replied:

- (1) Ministerial appointments to the Curtin University of Technology Kalgoorlie Campus Council were announced on 24 April 1997, as follows:

Mr Richard Tastula (as Chairperson);  
 the Mayor of the City of Kalgoorlie/Boulder (currently Mr Ron Yuryevich);  
 the Vice-President of the WA Chamber of Minerals and Energy (currently  
 Mr Geoffrey Wedlock);  
 Mr Ralph Bower;  
 Mr Tony O'Neill  
 Ms Pat Leighton;  
 Ms Carmel McKenzie; and  
 Mr Neil Darby.

- (2) Delays were occasioned by the December election in the first place and, subsequently, by the need to secure the services of persons suitable for appointment to the Council having regard to the important task it has to perform. It was worth putting the extra time into achieving the appointment of a Council with a good balance of expertise and local knowledge.
- (3) An appointment is expected to be finalised by Curtin University of Technology in June 1997.
- (4) The university advises that positions at this level are advertised internationally and require an Affirmative Action Search after applications close. The selection panel includes elected staff representatives and elections could not take place until staff had returned to Kalgoorlie following the Christmas break. Interviews are to be held in Kalgoorlie on 29 May 1997.

## LAND - CLEARING

*Nelson Location 11194*

323. Dr EDWARDS to the Minister for Primary Industry:

- (1) Does the Minister consider combating salinity to be sufficiently important to warrant comprehensive assessment of land clearing proposals?
- (2) Was the granting of the clearing proposal for Nelson Location 11194, Lot 10, consisting of about 6.4 ha of forest in a catchment area already containing salt scalds, reflective of the Government's commitment to combating salinity?
- (3) Is the Minister concerned that the officer who conducted the field inspection identified no significant hazards resulting from the proposed clearing despite the Minister's concession in correspondence to me dated 12 February 1997 that; "the water quality in the swampy area adjacent to Challewell Road on Mr Nugent's property has deteriorated, probably as a result of past clearing"?
- (4) Is the Minister concerned that the assessment process failed to identify examples of waterlogging, soil collapse and salt scalds as well as a degraded water system in a catchment area for which some clearing had been proposed?
- (5) Does the site of the proposed clearing straddle two catchment systems?
- (6) Were these two water systems, which run through the separate catchments in the area proposed for clearing, assessed for existing salinity?
- (7) If not, why not?

- (8) Because the site proposed for clearing was in the zone identified as having the lowest salinity hazard in the south west land division, was it erroneously assumed that salinity would not be a problem in this area?
- (9) Does the Minister consider the problem of salinity to be of sufficient significance as to warrant monitoring of existing levels within catchment areas for which clearing is proposed?
- (10) If not, why not?
- (11) Is the quality of the water system with existing low salinity levels likely to suffer degradation due to the clearing of part of the catchment area?
- (12) Was the assessment process applied to the proposal to clear Nelson Location 11194, Lot 10, adequate?
- (13) If so, why?
- (14) If not, why not?
- (15) When will the Memorandum of Understanding recently negotiated by Agriculture Western Australia with the Department of Environmental Protection, Environmental Protection Authority, Department of Conservation and Land Management and the Water and Rivers Commission come into effect?
- (16) Is the requirement for land holders to advertise any clearing proposals the only change to the assessment process applied to Nelson Location 11194, Lot 10?
- (17) If not, what are the other changes to that assessment process?
- (18) How many applications for clearing sites under 100 ha have been approved using assessment processes applied to Nelson Location 11194, Lot 10 in 1995 and 1996?
- (19) What is the total combined area of these sites?
- (20) What are the requirements for notification of land clearing proposals?
- (21) Does the cost of salinity problems downstream from land cleared in a catchment area constitute external costs of that clearing?
- (22) If so, who is responsible for those costs?
- (23) If so, how are these costs factored into budget estimates of the land clearing process?
- (24) Has the ability of landowners to sell cleared forest for woodchip production proved to be an incentive for conversion to pasture?

Mr HOUSE replied:

- (1)-(24) The clearing of Nelson Location 11194, Lot 10 consisting of 6.4 ha was assessed by Agriculture Western Australia. The assessment was conducted by an officer of Agriculture Western Australia. The report did not adequately account for offsite degradation. Agriculture Western Australia's previous land clearing process has highlighted some inadequacies of addressing issues that are outside the Soil and Land Conservation Act. A Memorandum of Understanding that improves the process was announced by me and implemented as of 17 April 1997. There are a number of improvements to the previous land clearing process which is conducted under the jurisdiction of the Soil and Land Conservation Act. In 1995-1996 thirty-one applications under 100 ha have been assessed totalling 831 ha. I would like to offer the Hon Member a briefing with regard to the new process in relation to Nelson Location 11194, Lot 10 and the Memorandum of Understanding by Senior Officers of Agriculture Western Australia.

#### SCHOOLS - PRIMARY

*East Fremantle - Mr F. Manera*

366. Mr McGINTY to the Minister for Education:

- (1) Can the Minister explain why the Principal of East Fremantle Primary School, Mr Frank Manera, will be required to leave the school as a result of his very successful custodianship of the school which has seen enrolments rise and the school reclassified?
- (2) Is it possible for Mr Manera's good work to be recognised by allowing him to remain at the school and be reclassified with the school?

Mr BARNETT replied:

- (1-2) Schools are classified according to student enrolments and the level of the Principal is directly related to the classification of the school. East Fremantle Primary School is currently a Level 4A school. It is proposed to reclassify it to a Level 5 school in 1999. This classification is only proposed and is to be confirmed by July 1998. If this reclassification is confirmed, the position of Principal would most likely be filled by transfer process. In the unlikely event that the position was not filled by a Level 5 applicant seeking a transfer to the school, the position would be advertised and Mr Manera could apply, seeking a promotion to Level 5 to enable him to fill the position.

#### SHARK BAY - OIL EXPLORATION LICENCE

##### *World Heritage Management Plan*

466. Dr EDWARDS to the Minister for the Environment:

- (1) Has the Government developed a World Heritage Management Plan for Shark Bay?
- (2) If not, why not?
- (3) Why did the Government pull out of the original management plan in 1993?
- (4) What steps has the Government taken to develop such a plan?
- (5) When will such a plan be ready for implementation?
- (6) What impact will the Government's granting of an exploration licence have on the development and implementation of a World Heritage Management Plan?
- (7) How will the exploration licence and the World Heritage Management Plan operate together?

Mrs EDWARDES replied:

- (1)-(2) A Strategic Plan for the World Heritage Area and a management plan for the terrestrial conservation reserves within the World Heritage Property are currently in preparation.
- (3) The Government has not pulled out of any management plan relating to the World Heritage Area. However the State and Commonwealth Governments are currently negotiating an agreement on administrative arrangements for the Shark Bay World Heritage Property. The proposed agreement will replace the "Agreement between the State of Western Australia and the Commonwealth of Australia on Legislative and Administrative Arrangements for Shark Bay Western Australia World Heritage Property" which was signed by the then Western Australian and Commonwealth Ministers for the Environment in 1990, prior to World Heritage listing of the area, and which is considered inadequate in a number of respects.
- (4) See (1) and (3).
- (5) The Shark Bay Marine Reserves Management Plan and the Shark Bay World Heritage Property Management Paper for Fish Resources are now in operation. The Shark Bay Regional Strategy is currently being finalised and will be released soon. It is intended that the Shark Bay Terrestrial Reserves Draft Management Plan and the draft strategic plan for the World Heritage Area will be released for public comment this year. The agreement on administrative arrangements for the World Heritage Property is nearing finalisation.
- (6)-(7) The plans and agreement will address commercial and resource utilisation issues and ensure safeguards to protect World Heritage values.

#### EDUCATION - DEPARTMENT

##### *Policy - School Facilities*

471. Mr MASTERS to the Minister for Education:

What are the Education Department's policies on -

- (a) the incorporation of passive solar energy heat gain principles into the design of new public schools;
- (b) the provision of covered walkways or similar facilities at both new and existing schools, so students can move between classrooms and other buildings, or rooms, without being directly exposed to adverse weather conditions; and

- (c) the ability of parents and teachers to have input into the design of new school facilities, such that requested modifications to architectural building or lay-out plans can be incorporated into those plans?

Mr BARNETT replied:

- (a) The designs of new schools address passive solar design principles and provide quality cost effective work environments. In summer, this is achieved by minimising solar heat gain by the use of verandahs, high ceilings, ceiling fans and insulation. All year round, a quality visual learning environment is provided by the use of energy efficient diffuse skylights which result in minimal use of electric lights. Direct passive solar heat gain is not used for winter heating because experience has shown that this causes glare problems which disadvantage students.
- (b) The designs of new schools and many existing schools incorporate verandahs on the various buildings. Apart from the relatively short distances between these buildings, the verandahs provide covered access around the school facilities. It is not planned to provide covered links to connect the short distances between the buildings. Such a provision would increase the risk of fire spreading from one building to another in the event of a disaster. Also, it should be noted that covered links which are relatively expensive to construct provide protection against non-wind driven rain, but unless fully enclosed, do not provide protection against wind driven rain.
- (c) New schools are based on a standard architectural brief and a design concept which has been developed over a number of years. In developing the design brief, the Department has received valuable input from teachers, principals and parent representatives including the West Australian Council of State School Organisations. Additionally, feedback is gathered by conducting value management studies, design reviews and post-occupancy evaluation studies from time to time. Additionally, with the recently established secondary schools at Ballajura, Warnbro and Clarkson, a community-based steering committee was established to facilitate community input.

The translation of the brief and the design concept into a local context is an integral role of the commissioned private architect and the Education Department's learning area consultants. Their work is based on significant professional knowledge and experience and reflects architectural and teaching and learning best practice.

#### WATER RESOURCES - POLLUTION

##### *Licence 4247 - Standards*

478. Dr EDWARDS to the Minister for the Environment:

- (1) With reference to water pollution control conditions and Water Authority of Western Australia monitoring required in Department of Environmental Protection Licence 4247 -
- (a) when was the annual report, required under B6, submitted to the Director; and
- (b) were any parameters above drinking water guidelines?
- (2) If yes, from which bore and for what parameters?
- (3) What were the gross alpha and gross beta activity levels in the most recent annual sample?
- (4) What were the gross alpha and gross beta activity levels in the previous samples?
- (5) What are the current standards or guidelines and proposed new standards and guidelines for radiation in drinking water?
- (6) Why are the standards/guidelines changing?
- (7) When will Western Australia adopt the new ones?

Mrs EDWARDES replied:

- (1) (a) The annual report, required by Condition B6, was submitted to the Director on 21 January 1997.  
(b) Yes.
- (2) Based on the drinking water guidelines documented in the Australian and New Zealand Environmental Conservation Council Australian Water Quality Guidelines for Fresh and Marine Waters, November 1992, and the recently revised guideline value for arsenic, the following parameters exceeded the guidelines:

Sample Location	Parameter	Quarterly Sample
Bore No 1	pH	Feb'96, April'96, June'96, Oct'96
	Iron	Feb'96, April'96, June'96, Oct'96
	Arsenic	Feb'96, June'96
Bore No 2	pH	Feb'96, April'96, June'96, Oct'96
	TDS	Oct'96
	Iron	June'96, Oct'96
	Chloride	Feb'96, April'96, June'96, Oct'96
	Arsenic	Feb'96, June'96
Bore No 3	pH	Feb'96
	TDS	Feb'96, April'96, June'96, Oct'96
	Sodium	Feb'96, April'96, June'96, Oct'96
	Chloride	Feb'96, April'96, June'96, Oct'96
	Arsenic	Feb'96, April'96, June'96, Oct'96
Bore No 4	pH	Feb'96, April'96, June'96, Oct'96
	TDS	Feb'96, April'96, June'96, Oct'96
	Iron	Feb'96, April'96, June'96, Oct'96
	Sodium	Feb'96, April'96, June'96, Oct'96
	Chloride	Feb'96, April'96, June'96, Oct'96
	Arsenic	Feb'96, June'96, Oct'96
South Hampton	pH	Feb'96
Tantalum Plant Tailings Dam	TDS	May'96, July'96
	Arsenic	July'96

- (3) The gross alpha and gross beta activity levels in the most recent annual sample provided to the Water Corporation were as follows:

Sample Location	Gross alpha levels (mBq/L)	Gross beta levels (mBq/L)
Greenbushes No 1 Dam	122 ( $\pm 20$ )	below detectable levels
Greenbushes No 2 Dam	269 ( $\pm 29$ )	262 ( $\pm 21$ )

NB: (mBq/L means milliBecquerels per Litre)

- (4) No sample was required to be taken for gross alpha and gross beta emitters under the previous licence conditions.
- (5) The Department of Environmental Protection sought advice from the Water Corporation on this issue and advises as follows:
- The screening levels in the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters, November 1992, are 100 mBq/L for gross alpha and gross beta emitters. The 1996 National Health and Medical Research Council standards, yet to be formally adopted by the Water Corporation are 100 mBq/L for gross alpha emitters and 500 mBq/L for gross beta emitters.
- (6)-(7) Standards and guidelines with respect to drinking water are managed by the Health Department and Water Corporation. Accordingly, this question should be addressed to those agencies.

#### HEALTH - MENTAL

##### *Funding - Non-government Organisations*

551. Dr CONSTABLE to the Minister for Health:

In each financial year for the past four years -

- what was the total allocation of State Government and State-allocated Commonwealth funds to non-Government organisations in the area of mental health;
- which NGOs received funding and how much did each one receive;
- which NGOs received and are currently in receipt of recurrent funds;
- what are the names of the panel members who decided which NGOs should receive funds in each case; and



- (e) what is the Minister's definition of a non-Government organisation?

Mr PRINCE replied:

- (a)-(c) See paper No 418. (All organisations except those marked with an 'NR' receive some recurrent funds)
- (d) Not available
- (e) A very broad definition i.e. not a Government Organisation

INDUSTRIAL ESTATES - OAKAJEE

*Feasibility*

667. Dr EDWARDS to the Minister for Resources Development:

With respect to the \$500 000 allocated by Cabinet to further investigate the feasibility of the Oakajee site -

- (a) what studies/work have been commissioned;
- (b) who will perform this work;
- (c) when will it be completed;
- (d) will it be released to the public; and
- (e) if not, why not?

Mr BARNETT replied:

- (a) Studies have been commissioned into the technical, economic, environmental and financial feasibility of the Oakajee Port and industrial estate.
- (b) (i) Port and Harbour Consultants are undertaking the technical study.  
(ii) Sinclair Knight Mertz and Meyrick and Associates are undertaking the economic feasibility.  
(iii) Welker Environmental Consultancy, in conjunction with Tingay and Associates, are undertaking the environmental studies.  
(iv) Arthur Andersen is undertaking the financial feasibility.
- (c) The studies are being undertaken to meet the time lines identified in clause 11 of the schedule to the Iron and Steel (Mid West) Agreement Bill; that is, 30 April 1997 and 30 June 1997.
- (d) The technical, environmental and economic studies will be publicly available.
- (e) Aspects of the financial reports will contain commercially sensitive information central to the future operations of the port.

INDUSTRIAL ESTATES - OAKAJEE

*Infrastructure*

671. Dr CONSTABLE to the Minister for Energy:

- (1) Do any terms of the State Government/Oakajee agreement provide small Western Australian businesses with a guaranteed share of the contract work?
- (2) What is the value of the infrastructure, including port, roads, water, power, gas etc -
- (a) already provided; or
- (b) to be provided,
- by the State and Federal Governments in relation to the Oakajee project?

Mr BARNETT replied:

- (1) There is no guaranteed share of the contract work for small business in the Oakajee project proposals. However, clause 15 of the Iron and Steel (Mid West) Agreement Bill states that where it is reasonable and economically practicable, providers of professional services such as engineers, surveyors and architects who

are resident in Western Australia will be used. Western Australian suppliers, manufacturers and contractors will be given proper consideration and where possible preference when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to, or better than that obtainable elsewhere.

- (2) (a) No infrastructure has been provided to the Oakajee project to date.  
 (b) Not known at this time.

#### POLICE - DRUG SQUAD

##### *Staff*

672. Dr CONSTABLE to the Minister for Police:

- (1) In each of the last four financial years, how many staff were employed in the Drug Squad?  
 (2) What are the current staff numbers in the Drug Squad?

Mr DAY replied:

The Commissioner of Police has provided me with the following advice:

- (1) 1992/93            29  
 1993/94            32  
 1994/95            32  
 1995/96            34
- (2) 45.

#### ENVIRONMENTAL PROTECTION AUTHORITY - MEMBERS

698. Dr EDWARDS to the Minister for the Environment:

- (1) Who are the members of the Environmental Protection Authority and when do their terms of office expire?  
 (2) Are there any vacancies on the Authority at present?  
 (3) When will these be filled?  
 (4) Why has it taken so long to fill these positions?  
 (5) What is the quorum for meetings of the Authority?

Mrs EDWARDES replied:

- (1) Ray Steedman            31 December 1998  
 Bernard Bowen            31 December 1997  
 Chris Rowe                31 December 1997  
 Sally Robinson            31 December 1999  
 Marion Blackwell        6 May 1998
- (2) No.  
 (3) Not applicable.  
 (4) Time taken to select appropriate candidates.  
 (5) Three.

#### PUBLIC SERVANTS - PAYMENT

##### *Interim Arrangements*

704. Mr RIPPER to the Minister for Education:

- (1) Is it Government policy that whenever there is a breakdown in the paying of public employees, those public employees should be expected to bear the burden rather than the Government taking all possible steps to make alternative arrangements?  
 (2) If not, how does the Minister justify the failure by his department to pay casual lecturers at Tuart and Canning Colleges and North Lake and Cyril Jackson Senior campuses for up to a month without making interim arrangements?

Mr BARNETT replied:

- (1) No, it is not government Policy.
- (2) The delay in payments referred to was caused by the transfer of the lecturers' payroll from the TAFE system to the Education Department's main computer payroll. The new payroll arrangements became operational on 12 February 1997. The senior colleges advised lecturers of the problem at that time and arranged advance salary payments in cases of personal hardship. The Education Department gave this matter urgent attention and all outstanding payments to casual lecturers were made on 6 March 1997.

CLONTARF BOYS' HOME - ELECTRIC SHOCK BED WETTING MACHINES

*Use*

709. Mr CARPENTER to the Minister for Police:

- (1) Is the Minister aware that on page 11 of *Medicus* (Vol 36, No. 8) dated 30 September 1996, the journal of the Western Australian Branch of the Australian Medical Association, Detective-Constable O'Reilly of the Police Child Abuse Unit asked Western Australian doctors for details of the use of electric-shock bed-wetting machines in the 1950s, as part of police investigations into allegations of child abuse by Christian Brothers at Clontarf Boys' Home?
- (2) Has the Police Child Abuse Unit received any responses from doctors that indicated that electric-shock machines were used?
- (3) If so -
  - (a) what were the names of the machines used;
  - (b) what were the names of the manufacturers of such machines;
  - (c) how were the machines attached to the body;
  - (d) to what part of the body were the machines attached?
- (4) If the machine was used on the person of a child migrant, as described in the Immigration (Guardianship of Children) Act 1946 of the Commonwealth of Australia, was permission for such use obtained from the Minister's delegate, who was the guardian of such children?

Mr DAY replied:

The Commissioner of Police has provided me with the following advice:

- (1) Police investigations into the abuse of boys by Christian Brothers at institutions in Western Australia are ongoing. One specific area of alleged abuse was the placement of an electric impulse bed wetting device by Christian Brothers on children with a bed wetting problem. Detective O'Reilly of the Child Abuse Unit placed the notice in *Medicus* (Volume 36, No 8) in an endeavour to research the technicalities of such a device.
- (2) The inquiry officer, Detective O'Reilly, has reported that he received no responses to the article from Doctors possessing first hand knowledge of the alleged devices used at the Clontarf Boys Home during the 1950s.
- (3-4) Not applicable.

PUBLIC SECTOR MANAGEMENT ACT - SECTION 105

*Use*

724. Dr CONSTABLE to the Minister for Education:

On how many occasions has the Minister, or his staff, invoked section 105 of the Public Sector Management Act 1994 in response to communications from -

- (a) members of the public; and
- (b) members of Parliament,

concerning the selection or appointment of a person to an office, post or position in the public sector?

Mr BARNETT replied:

- (a)-(b) Data of this kind are not retained by any agencies within the Minister's portfolios. Manual scrutiny of correspondence is the only method available to determine the information requested. Due to the large amount of time required for this task, and the nature of the information requested, this action is not considered an efficient use of resources.

It should be noted that all communications invoke the provisions of Section 105 of the Public Sector Management Act 1994 where that section applies.

#### FAIR TRADING - "CRIME WATCH JOURNAL"

##### *Complaints*

745. Dr EDWARDS to the Minister for Fair Trading:

- (1) Has the Ministry of Fair Trading received any complaints about advertising sought for a publication entitled "Crime Watch Journal"?
- (2) If yes to (1) above, how many complaints and what was the general nature of these?
- (3) If yes to (1) above, was follow up action taken and what was this action?

Mr SHAVE replied:

- (1) Yes
- (2) One complaint from a WA business about a "confirmation slip" received from Crime Watch Journal seeking payment for advertising. The complainant claimed that the advertisement was unsolicited.
- (3) The complaint was received by the Ministry of Fair Trading on 17 April 1997. The Ministry of Fair Trading's jurisdiction is limited to Western Australia and therefore the matter has been referred to the Office of Consumer Affairs in Queensland for its investigation.

#### LANDCORP- ROCKY BAY SITE

##### *Removal of Contaminated Wastes*

762. Dr EDWARDS to the Minister for the Environment:

- (1) In regard to the cleanup of the LandCorp Rocky Bay site in North Fremantle will the Minister advise Parliament what volumes of the various grades of contaminated wastes were removed from the site?
- (2) Where have they been taken and how were they secured to prevent harm to the environment?
- (3) Will the Minister advise the types and volumes of wastes left on site?
- (4) Will the Minister advise of current bore results on the State Engineering Works Rocky Bay site, following up on the contamination in ground water notes previously?
- (5) Have any contaminated wastes been discovered and what testing has been done on those waters?
- (6) What is the result of that testing?

Mrs EDWARDES replied:

- (1) Clean-up of the site commenced in August 1990 and was completed in November 1990. There were 47,455 cubic metres of industrial wastes removed. The wastes were made up of coal waste, clinker slag and pyritic cinders.
- (2) The wastes were taken to the Henderson Landfill in the City of Cockburn. The material was placed in a membrane lined cell, cover material placed on top, and the surface hydro mulched to suppress dust generation. A groundwater monitoring program is on-going.
- (3) No wastes were left on site. 17,529 cubic metres of soils, which were in contact with the waste and had levels above background but below the clean-up criteria, were relocated to a position on the site where they are to be covered by at least 5 metres of clean fill.

- (4) I am advised that there is no ongoing monitoring of the groundwater for the former State Engineering Works, as the potential source of contamination (the wastes) was removed and access to groundwater by the public is restricted.
- (5)-(6) Not applicable.

HOMESWEST - KALGOORLIE-BOULDER

*Dwellings Owned and Leased*

786. Ms ANWYL to the Minister for Housing:

- (1) How many dwellings does Homeswest own in the City of Kalgoorlie-Boulder?
- (2) How many dwellings are owned privately but leased and managed by Homeswest in Kalgoorlie-Boulder?
- (3) How many of the above dwellings have -
- (a) one;
- (b) two;
- (c) three;
- (d) four,
- bedrooms?
- (4) Are any of the homes designated specifically for -
- (a) disabled;
- (b) frail aged;
- (c) aboriginal;
- (d) other minority groups?
- (5) How many dwellings referred to in (1) and (2) above, were owned/managed for each of the years -
- (a) 1996;
- (b) 1994;
- (c) 1992?
- (6) How many dwellings have been sold to -
- (a) tenants;
- (b) others,
- in each of the last five years?

Dr HAMES replied:

- (1) 702. (Including 60 Joint Venture units.)
- (2) Nil
- (3)
- |               |     |
|---------------|-----|
| Bedsitter     | 8   |
| One bedroom   | 102 |
| Two bedroom   | 155 |
| Three bedroom | 374 |
| Four bedroom  | 62  |
| Five bedroom  | 1   |
| Total         | 702 |
- (4) (a) 7
- (b) Nil. (However, there are 65 aged persons' units within the town for elderly people.)
- (c) 121 specifically built for Aboriginal people, however a further 37 mainstream rental properties are also occupied by Aboriginal families.
- (d) Homeswest stock is available to all eligible applicants, irrespective of ethnicity. Statistics are not maintained for customer groups other than Aboriginal people.
- (5) (a) as at 30 June 1996 641
- (b) as at 30 June 1994 603
- (c) as at 30 June 1992 599

(6)	(a)	Sales to rental tenants	1993	8
			1994	20
			1995	17
			1996	4
			1997 (to date)	1
			Total	50
(b)	(b)	Sales to others	1993	nil
			1994	1
			1995	nil
			1996	12 (Adeline)
			1997 (to date)	2 (Adeline)
			Total	15

## TOURISM - PEMBERTON

*Forest Visits*

812. Mr MASTERS to the Minister for the Environment:

- (1) Will the recently announced new tourist drive in the Pemberton area include, or allow, visits to areas of forest that have been logged using different forest management practices (clear felling, thinning, etc.) so that tourists can learn about the ability of well managed production forests to regrow such that the full range of forest values return over time?
- (2) What brochures, pamphlets, posters and general information sources are available so that visitors to the Department of Conservation and Land Management offices can learn about the various silvicultural techniques employed by foresters to sustainably extract timber products from our State forests?

Mrs EDWARDES replied:

- (1) Yes
- (2) CALM provides information to the public on forest management in a number of ways. An eight page newspaper entitled "Facts about WA forests" is available from all CALM offices, and much of this material is also available 24 hours a day and seven days a week on CALM's Internet site "Naturebase" (<http://www.calm.wa.gov.au>). Articles on aspects of forest management are regularly featured in CALM's magazine "LANDSCOPE" and permanent displays on the subject of forest management are in place at the Wembley Home Base shopping centre and Timber Advisory Centre and the Forest Heritage Centre in Dwellingup.

## DRUGS - PROGRAMS

*Substance Abusers*

980. Mr BROWN to the Minister for Health:

- (1) What funds does the Government make available to provide programs to treat young substance abusers?
- (2) What agencies or individuals receive funding to provide such programs?
- (3) How much was made available for such programs in -
  - (a) 1995-96 financial year;
  - (b) 1996-97 financial year?
- (4) What funds will be made available for this purpose in the 1997-98 financial year?
- (5) Will the Government fund a number of comprehensive programs to treat young substance abusers in the 1997-98 financial year?
- (6) If not, why not?

Mr PRINCE replied:

- (1) The Health Department of WA provided to community agencies the following amounts -
 

1995-96	\$477,200
1996-97	\$512,850

In addition the Health Department of WA funds the WA Alcohol and Drug Authority to provide specialist services to alcohol and drug dependent persons. Specifically:

Methadone maintenance services \$1.978M  
 Residential Detoxification services \$1.674M  
 Metropolitan Community services \$ .940M

A proportion of these services are delivered to young substance abusers but the exact breakdown is not available at this time.

- (2) The following agencies received funding from the Health Department of WA to provide such services -
- \* The Western Australian Alcohol and Drug Authority
  - \* Perth City Mission (Yirra Service)
  - \* Holyoake
  - \* Noongar Alcohol Substance Abuse Service (NASAS)
  - \* Palmerston.
- (3) As for (1).
- (4) The allocation for 1997/98 has not yet been finalised however it is anticipated to be similar to the 1996/97 allocation.
- (5) It is anticipated the existing programs will receive ongoing funding and any additional programs will be developed within the implementation of the recommendations of the Government's Task Force on Drug Abuse.
- (6) Not applicable.

#### DRUGS - PROGRAMS

##### *Solvent Abusers*

983. Mr BROWN to the Minister for Health:

- (1) Has the Government carried out any -
- (a) research;
  - (b) comprehensive research,
- on young solvent abusers to determine the type of measures and programs that need to be put in place to stop this type of abuse?
- (2) Has the Government produced a research paper or papers or other documentation on the type of programs that should be provided?
- (3) Has the Government conducted any research on the type of programs conducted in other States and territories on the substance abuse and ways of preventing/stopping substance abuse?
- (4) Will that information be made publicly available?
- (5) If not, why not?
- (6) Has the Government carried out any research to determine if any other States and territories have implemented a workable and/or effective model to treat substance abusers?
- (7) If not, why not?
- (8) If so, will that information be made available to youth and other agencies who come into contact with substance abusers?
- (9) If so, when?

Mr PRINCE replied:

- (1)-(3) Yes.
- (4) Yes, through the WA Alcohol and Drug Authority's Library Services.
- (5) Not applicable.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.

- (9) The information is provided on an ongoing basis by the Alcohol and Drug Authority's Solvent Abuse Senior Project Officer.

POLICE - STATION

*Rockingham - Completion*

1041. Mr McGOWAN to the Minister for Police:

- (1) When is the new Rockingham Police Station due to be completed?
- (2) When completed, what will the total cost have been?
- (3) When is the new Rockingham Police Station due to become operational?
- (4) How many police officers will be based at the new facility?

Mr DAY replied:

- (1) Provision has been made in the 1997/98 Police Service Capital Works Program for site acquisition and building design.
- (2) Total cost will not be known until building design is completed.
- (3) Anticipated 1998/99.
- (4) Not finally determined.

SEWERAGE - DEEP SEWERAGE SYSTEM

*Television Advertisements*

1077. Dr CONSTABLE to the Minister for Water Resources:

- (1) What were the production costs of each of the advertisements designed to encourage home owners to connect to the sewerage system?
- (2) What was the total amount spent on air time for the advertisements?

Dr HAMES replied:

- (1) The production costs for the two television advertisements designed to encourage home owners to connect to the sewerage system (screened April 6 - May 3) were as follows -

Advertisement	Cost
"The Party"	\$51,140
"Sold"	\$47,691
Total	\$98,831

(Note: The awareness commercial "Kids" was produced during the 1995/96 financial year at a cost of \$38,325. The audio was re-recorded in 1996/97, at a cost of \$800, to statistics mentioned in the commercial.)

- (2) The total cost of screening the two connection commercials on metropolitan and country television from April 6 to May 3 was \$64,561.

(Note: The total cost of screening the awareness commercial "Kids" on metropolitan and country television will be \$7,174.)

PLANNING - GELORUP QUARRIES

*Buffer Zones*

1079. Mr MASTERS to the Minister for Local Government:

- (1) What is the present status of the proposed buffer zones around the existing and proposed basalt quarries at Gelorup, as recommended by the Department of Minerals and Energy and the Department of Environmental Protection, within which an intensification of urban dwelling is not to be permitted?



- (2) What legislative or other powers does the Minister or his department have to enforce the creation of these buffer zones against the wishes of the affected local authorities?

Mr OMODEI replied:

- (1) While this is not my area of responsibility, I understand that a 2 km buffer zone is currently being proposed and considered by the Department of Minerals and Energy to protect the basalt resource. The Department of Environment on the other hand, recommends in its standard guidelines a buffer zone of 1 km to separate residential development from extractive industry operations. For further details inquiries should be directed to those Departments concerned.
- (2) None.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT

1084. Mr KOBELKE to the Premier:

- (1) Given the Premier's response to question without notice 6 of Wednesday, 30 April 1997, what were the minimum conditions of employment in February 1993 and what are the present minimum conditions of employment under State legislation?
- (2) What was the minimum wage in February 1992 and the current equivalent in real dollars to allow fair comparison between them?

Mr COURT replied:

As there is no "question without notice 6 of Wednesday, 30 April 1997" I assume the Member is referring to "question without notice 221 of Wednesday, 30 April 1997", which he asked of the Hon Premier. If that is the case, then my response is:

- (1) In February 1993, the minimum conditions of employment that existed were contained in the Annual Leave General Order, the Long Service Leave Act and, in the case of persons employed in a shop or factory, the minimum wage, sick leave, annual leave, public holidays and overtime provisions of the Factories and Shops Act 1963 applied. The present minimum conditions of employment, as prescribed by the Minimum Conditions of Employment Act 1993, are -
- (a) an adult weekly rate of pay (currently set at \$332 per 40 hour week and adjusted for junior employees) to be reviewed annually;
  - (b) 10 days or 80 hours sick leave per year;
  - (c) 4 weeks annual leave per year;
  - (d) 52 weeks parental leave for the birth or adoption of a child (the leave can be shared between both parents and an employee taking parental leave is entitled to return to the same or equivalent job);
  - (e) 2 days bereavement leave per year;
  - (f) 10 standard public holidays;
  - (g) employers are required to notify employees of any changes in the workplace likely to have a significant effect on the employment of employees, including potential redundancy, a reduction in promotion opportunities or a major change in the skills required in that workplace; and
  - (h) employers are required to pay wages as money, pay wages in full and must not make deductions from wages, unless otherwise authorised by the employee.

The Long Service Leave Act remains in force.

- (2) In February 1992, the adult minimum wage was \$268.80 and this only applied to employees covered by awards. By allowing for the 11.4% increase in the cost of living since March 1992, this would be \$299.44 in March 1997 dollars. The current adult minimum wage for a 40 hour week is \$332. To account for the lower cost of living in February 1992, this would equate to \$294.15 in March 1992 dollars, the closest figure for which data is available.

I also wish to advise the member for Nollamara, with respect to his question 221 to the Hon Premier in the House on 30 April 1997, that he was wrong to assert that the Minimum Wage under Federal awards is \$359.40 per week. This minimum only applies when an application is made to vary an individual Federal award and in any event, would not apply to employees who are award-free, unlike the State minimum wage.

#### UNIVERSITIES - UNIVERSITY OF WA

##### *Students - Refund of Fees*

1085. Mr PENDAL to the Minister for Education:

- (1) Will the Minister confirm that an overseas fee-paying student at the University of Western Australia undertaking a two-year Master's Degree in Dentistry in 1996 was given a 'fail' mark, and was thus not permitted to proceed with further studies?
- (2) Is it a fact that, notwithstanding the 'fail' mark, the student was given a full refund of his fees?
- (3) Will the Minister confirm that it is unprecedented for a student to be given a refund after failing a course?
- (4) If such a refund was given will the Minister say why?
- (5) Is it a fact that a letter has been provided to the student which makes no mention of his 'fail' mark, but instead states that he had undertaken a year's study without result?
- (6) If such a letter was given to the student will the Minister say why, given that such a statement would be untruthful?

Mr BARNETT replied:

- (1) An overseas fee paying student studying for the degree of Master of Dental Science withdrew from the course in February without completing the requirements for the degree.
- (2) The student in question was not refunded his fees.
- (3) No tertiary student has ever been refunded a fee as a consequence of failing a course.
- (4) Not applicable.
- (5) The student was given a letter confirming his withdrawal from the course. The letter also stated the written examination papers he had passed, and the clinical and assignment work he had done. It is standard practice for the University to not include details of failed courses in these letters.
- (6) Not applicable.

#### LAND - STRATA TITLE OWNERS

##### *Letter*

1087. Mr BROWN to the Minister for Lands:

- (1) In November/December 1996 did the then Minister send out a letter to strata title owners which commenced with the words "Dear Strata Title owner"?
- (2) Was the letter sent out by the Minister's office or by the department?
- (3) Did the Department of Land Administration provide the addresses for the letters to be sent to?
- (4) On what date were the letters sent out?
- (5) How many letters were sent out?
- (6) What was the total cost of postage?

Mr SHAVE replied:

- (1) Yes.
- (2) The Department of Land Administration.
- (3) The Department of Land Administration obtained the addresses from the Water Corporation.

- (4) 12 and 13 November 1996.
- (5) 121,326.
- (6) \$46,346.53.

TRADE PRACTICES - POWER SURGES

*Legal Action*

1096. Mr BROWN to the Minister for Energy:

- (1) Is the Minister for Energy aware of reports in the media claiming that consumers around Australia could be entitled to sue power companies/entities for compensation if a power surge results in damages?
- (2) Is the Minister aware this possibility has been flagged under a new reading of the Trade Practices Act 1974 (Commonwealth)?
- (3) Has Western Power and/or the government examined the provisions of the Trade Practices Act 1974 (Commonwealth) to determine if it may be sued by consumers in the event of a power surge causing damage?
- (4) Does the Government and/or Western Power intend to advise consumers of their rights under the Trade Practices Act 1974 (Commonwealth)?
- (5) If not, why not?

Mr BARNETT replied:

- (1)-(3) Yes
- (4-5) No. Western Power and the Government understand that the Trade Practices Act does not apply in these circumstances. Western Power through Electricity Supply Association Australia has received a number of opinions, including opinions from QCs, which clearly state that there is no liability on Western Power for power surges.

GASCOYNE DEVELOPMENT COMMISSION - SURVEY

*Lack of Support*

1097. Mr BROWN to the Minister for Commerce and Trade:

- (1) Is the Minister aware of a report on regional radio on 1 May 1997 which reported the Gascoyne Development Commission as being disappointed with apathetic business people in the region?
- (2) Is the Minister aware the report referred to only 1.2 per cent of business owners in the Gascoyne responding to a GDC survey aimed at identifying problems proprietors faced?
- (3) Has the Minister supported the comments made by the GDC?
- (4) Does the Minister intend to issue a statement on the Commission's statement?
- (5) If not, why not?

Mr COWAN replied:

- (1)-(4) No.
- (5) No statement is required.

SMALL BUSINESS - GROWTH

*Federal Government's Policy*

1099. Mr BROWN to the Minister for Small Business:

- (1) Has the Small Business Development Authority or any other department or agency under the Minister's control assessed the degree to which the Federal Government's recent announcement on small business will stimulate small business growth?

- (2) Given the continual growth in the small business sector, to what extent is it expected that the recent Federal Government policy changes and funding arrangements will stimulate additional growth?
- (3) How many additional small businesses and employment opportunities will be created as a direct result of the Federal Government's announcement?

Mr COWAN replied:

Department of Commerce and Trade

- (1)-(3) The Department of Commerce and Trade has no specific input in response to this question. SBDC has been the primary contact for input to, and involvement in, the Small Business Deregulation Task Force Review. The department has consulted with SBDC about its proposed suggested response and has nothing further to add.

Small Business Development Corporation

- (1) No. An accurate assessment of the degree to which the Federal Government's amendments will stimulate small business growth cannot be undertaken. The Small Business Development Corporation has reviewed the Federal Government's "More Time For Business" and considers that, overall, it is a positive package for small business. Specifically, exemptions and concessions under FBT, capital gains tax liberalisation, voluntary tax payments, regulatory review initiatives and the Small Business Innovation fund are all initiatives which should stimulate small business growth in some sectors.
- (2) The extent to which growth will be stimulated cannot be estimated from the announcement of the policy changes. Small business growth is monitored historically through data produced by the Australian Bureau of Statistics, but causal links of this data to specific government policies and programs is not available.
- (3) The actual number of small business and employment opportunities which will be created as a direct result of these initiatives is impossible to predict. This will require the Federal Government establishing measurable performance indicators in each area to be affected, once the program frameworks have been formulated.

International Centre for Application of Solar Energy

- (1)-(3) Not applicable.

Technology Industry Advisory Council

- (1)-(3) Not applicable.

Gascoyne Development Commission

- (1) No.
- (2)-(3) Not applicable.

Goldfields-Esperance Development Commission

- (1) No.
- (2)-(3) Not applicable.

Great Southern Development Commission

- (1) No.
- (2)-(3) Not applicable.

Kimberley Development Commission

- (1) No.
- (2)-(3) Not applicable.

Mid West Development Commission

- (1) No.
- (2)-(3) Not applicable.

Peel Development Commission

- (1) No.
- (2)-(3) Not applicable.

Pilbara Development Commission

- (1) No.
- (2)-(3) Not applicable.

South West Development Commission

- (1) No.
- (2)-(3) Not applicable.

Wheatbelt Development Commission

- (1) No.
- (2)-(3) Not applicable.

SPORT AND RECREATION - CLAREMONT SPEEDWAY

1116. Ms McHALE to the Minister for Planning:

- (1) Can the Minister confirm whether the Ministry for Planning is assisting the Claremont Speedway find an alternative venue for its activities?
- (2) If so, which sites are being considered?
- (3) What is the time frame for the finalisation of these deliberations?

Mr KIERATH replied:

- (1) Yes.
- (2)-(3) There are a number of sites under consideration which are being assessed. When the most appropriate site is identified it will be announced. At this stage, it is estimated that a decision will be made public in July this year.

EDUCATION - TEACHERS

*Selection Criteria*

1135. Dr CONSTABLE to the Minister for Education:

- (1) What are the selection criteria for selecting staff for permanent and part time employment as teachers?
- (2) When teachers are rated by their superiors, what weighting is given to their ability and performance mark in the total assessment when determining whether to employ the teacher permanently?

Mr BARNETT replied:

- (1) Primary and Secondary teachers appointed to schools as temporary teachers can apply for permanent status whether they are employed on a full time or part time basis. Appointment to permanent status is based upon the relative merit of the teacher, their availability for appointments in different locations, and the number of vacancies in the permanent teaching establishment. Temporary teaching appointments, whether full time or part time, are made on the basis of the teacher's academic background and teaching expertise and the requirements of the teaching position.
- (2) Any temporary teacher applying for permanency must have a current Temporary Teacher Return, having been assessed by the Principal of a school at which they have taught. Relative merit for the purposes of awarding permanency is based on the "score" achieved through this assessment. The assessment includes equal weightings in each of the following areas: planning and preparation; teaching skills; assessing and reporting on student outcomes; classroom management skills; and professional characteristics. Primary graduate teachers may be considered for permanent status on the basis of their graduate rating.

## LAND - MT HENRY HOSPITAL

*Classification*

1141. Mr PENDAL to the Minister for Health:

- (1) In regard to the land-holdings which currently comprise the Mt Henry Hospital site at Manning, is any of the land in question classified as an "A" class reserve?
- (2) If so, will the Minister identify it and indicate how much is so classified?

Mr PRINCE replied:

- (1) No.
- (2) Not applicable.

## HEALTH - ORGAN DONATIONS

*Procedures*

1142. Mr PENDAL to the Minister for Health:

- (1) I refer to organ donor procedures and availability in Western Australia and ask, did Western Australia agree at the Health Ministers' Conference of 1995, to have South Australia used as a model for an organ donor pilot program for the nation?
- (2) Is the Minister aware of the outcome of those trials and how they might impact on Western Australia?
- (3) Have they significantly increased the rate of donation and transplant in South Australia?
- (4) Does the Minister have plans to increase donations/transplants in Western Australia?
- (5) Would the Minister advise what numbers of heart, lung, liver, eye and other organ transplants have taken place in Western Australia under the donor system in each of the past 10 years?
- (6) Does Western Australia currently have the lowest rate of donors per million population in Australia?
- (7) What steps are planned to increase opportunities for this life-saving technology and service in Western Australia?

Mr PRINCE replied:

- (1) Yes.
- (2) The Health Department is liaising with the South Australian Organ Donation Agency and is regularly informed of their progress.
- (3) On 12 March 1997, the South Australian Organ Donation Agency reported that in the second six months of 1996, actual organ donors increased to 20, from 8 donors reported in the first half of 1996. The number of resulting South Australian transplants is not available.
- (4) Yes.

	Heart	Lung	Liver	Eye	Other (Kidney)
1996	4	0	14	125	32
1995	0	0	10	125	38
1994	0	0	7	121	40
1993	0	0	0	119	46
1992	0	0	0	143	31
1991	0	0	0	124	45
1990	0	0	0	122	27
1989	0	0	0	110	45
1988	0	0	0	122	29

Table: Hospital discharges for organ transplants from 1988-1996.

Note: 1996 data remains preliminary and 1997 data unavailable at this time.

- (6) Yes.
- (7) A comprehensive approach to increasing organ donation in WA is planned by the Health Department.

HEALTH - MEAT INSPECTIONS

*Watsonia Abattoir*

1143. Mr McGINTY to the Minister for Health:

I refer to public concern about replacing government meat inspectors with company employees and ask -

- (1) Can the Minister advise as to what date he received a request from the Health Department to designate company employed personnel from Watsonia's abattoir as a health surveyor or inspector for the purpose of undertaking meat inspection at that abattoir?
- (2) As at what date were the company employed personnel referred to in question 1 designated as an inspector for the purpose of undertaking meat inspection in accordance with the Health (Meat Inspection and Branding) Regulations 1950?
- (3) Is it correct the Health Department of Western Australia had permitted company employed inspectors to undertake inspection duties at Watsonia abattoir prior to the Minister being requested to designate these persons as Health Surveyors or Inspectors?
- (4) If the answer to question 3 is yes, can the Minister advise who authorised this to occur and is this not in contravention of the Health Act and the Health (Meat Inspection and Branding) Regulations 1950?
- (5) Is it correct at least one company inspector employed by Watsonia abattoirs was working as a meat inspector on the chain as early as 4 February 1997 and undertaking the responsibilities of an inspector appointed for the purpose of inspecting meat in accordance with Regulation 1AA of the Health (Meat Inspection and Branding) Regulations which provides the interpretation of what an "Inspector" means in accordance with those regulations?

Mr PRINCE replied:

- (1) 28 March 1997.
- (2) 1 April 1997.
- (3) Yes.
- (4) Company employed meat inspectors were permitted to undertake meat inspection duties at a time when two Health Department meat inspectors were still employed at the abattoir. The company employed inspectors were fully qualified officers and their performance was monitored continuously by the on-site Health Department officers.
- (5) Yes.

HEALTH - HILLVIEW SITE

*Future Use*

1146. Dr GALLOP to the Minister for Health:

- (1) How is the Hillview site at 999 Albany Highway, East Victoria Park currently being used?
- (2) For how long does the Health Department expect to use the site?
- (3) Has any work been done assessing the structural and heritage issues which will impact on any future uses of Hillview?
- (4) If yes -
  - (a) who performed the work;
  - (b) what conclusions were reached?
- (5) Have discussions occurred between the State Government and the Town of Victoria Park over future uses of the site?
- (6) If yes, what is involved in such discussions and have any conclusions been reached?

- (7) What facilities have been created and are planned for child and adolescent psychiatric services to replace Hillview?

Mr PRINCE replied:

- (1) The Hillview site is currently used by the Bentley Health Service for the provision of child and adolescent mental health services and also by the Disability Services Commission.
- (2) The Health Department expects to remain on this site until September 1998 when replacement facilities are completed. Negotiations are still proceeding with the Disability Services Commission regarding its future occupation of the Hillview site.
- (3) Yes.
- (4) (a) The firm of Heritage and Conservation Professionals.  
(b) The final report will be available within the next fortnight.
- (5) No.
- (6) Not applicable.
- (7) Replacement facilities will be constructed on the Bentley Health Service site and also on a yet to be selected site within the Armadale/Kelmscott Health Service's district. The Bentley site will accommodate:
- 12 bed residential unit
  - day centre
  - outpatient clinic

The Armadale/Kelmscott site will accommodate an outpatient clinic

#### WATER RESOURCES - CONTAMINATION

##### *Omex Site - Phenol Testing*

1175. Dr EDWARDS to the Minister for Water Resources:

What tests have been carried out by, or for, the Water and Rivers Commission to determine if phenols are present in ground or surface water on -

- (a) the Omex site in Bellevue;
- (b) adjacent residential properties;
- (c) surrounding areas?

Dr HAMES replied:

- (1) (a) Phenols were only discovered during hazard characterisation studies carried out by Golders Associates on samples collected from the main pit in September 1996. Golders also detected phenol levels above Dutch B criteria in Guildford aquifer bores within 20 metres of the main pit, and in the top part of the Leederville aquifer 50 metres away from the pit. Phenols were not detected in the deep bore drilled by the Water and Rivers Commission next to the main pit.
- (b) Residential bores surrounding the Omex site were re-sampled in March 1997 by the Water and Rivers Commission for the Department of Environmental Protection, and samples were submitted for chemical analysis for a variety of chemicals, including phenols. No phenols were detected in any of the bores sampled.
- (c) No other samples have been collected by the Water and Rivers Commission for phenol analysis.

#### TOURISM - WITTENOOM

##### *Warning Signs*

1178. Mr RIPPER to the Minister for Regional Development:

- (1) Why have signs not been erected at the entrance to Wittenoom Gorge warning tourists of the potential dangers to their health from asbestos tailing dumps?



- (2) If it is intended that signs be erected, when will this occur?  
(3) If not, why not?

Mr COWAN replied:

- (1)-(3) Signs have been erected in the past at the entrance to Wittenoom Gorge on at least two occasions, but have been removed by persons unknown. The issue of signage was raised on a recent radio talkback program and I gave a commitment to replace the warning signs. This commitment is being actioned and it is proposed that the signs will be erected in mid June.

## QUESTIONS WITHOUT NOTICE

### ELECTION - EARLY

#### *Completion of Four Year Agenda*

**334. Mr KOBELKE to the Premier:**

I refer to the Premier's televised announcement on 14 November last year of an early state election. Was the Premier telling the truth when, in response to a question from journalists, he justified the unprecedented December poll by claiming his Government had completed its four year agenda?

**Mr COURT replied:**

When the election was called the Government had completed its agenda for the four year period. The tradition is to wait for the Budget to go through the Parliament, often in late November or early December. That was not a consideration as that had occurred prior to 30 June. Calling an election prior to Christmas or after Christmas is hardly an early or late election.

### ELECTION - EARLY

#### *Completion of Four Year Agenda*

**335. Mr KOBELKE to the Premier:**

I thank the Premier for his frank answer to my question. Was the Premier telling the truth on ABC Radio's "Peter Kennedy Program" on 16 May when he claimed that the third wave industrial relations legislation was left over from his Government's first four year term?

#### *Point of Order*

Mr TRENORDEN: Mr Speaker, you have been lenient with supplementary questions; however, that is not related to the question.

The SPEAKER: It is not a point of order.

#### *Questions without Notice Resumed*

**Mr COURT replied:**

It was no secret that we introduced the industrial relations legislation in the Parliament. The legislation passed through this House; it did not complete its passage through the Legislative Council.

Dr Gallop: The Premier said that his agenda was completed when he announced the election.

Mr COURT: The Government's agenda on industrial relations has not been a secret.

### POLICE - OFFICERS

#### *Injured - Compensation*

**336. Mr MARSHALL to the Minister for Police:**

In view of the recent concern about assistance available to injured police officer Glenn Murray, will the Minister advise what is the current situation, and whether the Government will review the longer term implications of this situation?

**Mr DAY replied:**

I thank the member for some notice of this question. The matter of workers' compensation for police officers has been highlighted by the tragic incident which left Senior Constable Glenn Murray severely injured and claimed the life of Senior Constable Jane Kennaugh in a motor vehicle crash while on duty near Mandurah. Since the crash the Western Australia Police Service has paid the wages and the hospital and medical expenses of Senior Constable Murray. The monetary value of the benefits received so far by Senior Constable Murray is approximately similar to that which he would have received if he had been covered under the Workers' Compensation and Rehabilitation Act. I assure the House that the Western Australia Police Service will not be abandoning Senior Constable Murray, and will continue to meet his hospital and medical expenses until discussions which are continuing with his legal representative and his family concerning other options have been finalised.

The situation of Senior Constable Glenn Murray has highlighted the need to review the existing system of compensation for Western Australian police officers. At present police officers are not covered under the workers' compensation scheme, except in the event of death. That is because they are covered under a better system which includes extensive sick leave for work or non-work related injuries; reimbursement of non-work related medical expenses; medical and hospital expenses for illness or injury suffered during travel to or from a place of duty; and work related medical and hospital expenses whilst employed.

Mrs Roberts: Are you saying the system does not need changing?

Mr DAY: I am not saying that at all. If the member listens to the rest of the answer, she will get the rest of the story.

Mr DAY: The situation of Senior Constable Murray raises the issue of how police officers who are severely and permanently injured should be cared for. Therefore, I am establishing a working group within government to review the matter of compensation for work related injuries incurred by police officers. This working group will review the existing system of compensation and recommend any changes that should be made. I have discussed these changes with the Police Union and have confirmed that it will be fully consulted during this review process. Following advice by the working group, no changes will be implemented without further discussions with the Police Union.

Mrs Roberts: Will the union have a representative on it?

Mr DAY: I discussed this issue with the president of the Police Union this morning and he is satisfied with the course of action the Government is taking. The Police Union will not be involved directly in the working group because it is an internal government group, but it will be consulted during all the deliberations of the working group. As I said, I have discussed this with the president of the Police Union and he is happy with that situation. The Government recognises the difficult and dangerous job police officers must do in the community and is fully committed to ensuring they are provided with full and proper assistance with which to do their job.

## SCHOOLS - HIGH

*Churchlands Senior - Fire***337. Mr RIPPER to the Minister for Education:**

I refer to the disastrous fire at Churchlands Senior High School.

- (1) Why are government school buildings allowed to remain outside fire safety requirements imposed on other public buildings?
- (2) Is it the case that most school buildings lack sprinkler systems and smoke detectors?
- (3) Was the time it took to respond to the Churchlands High School fire affected by any failure or inadequacy of the electronic surveillance system at the school or the resources allocated to the monitoring system?

**Mr BARNETT replied:**

- (1)-(3) The tragic fire at Churchlands Senior High School occurred in buildings that were built 35 years ago. They do not comply with the Education Department's current standards for schools. In new schools or major refurbishments the standards applied by the Education Department exceed the current fire standards. It is a tragic irony that this year the school was due to have a \$1.5m upgrade which would have included replacing ceilings and building compartments into the ceilings, which would have stopped the spread of damage.

The Government is currently spending just over \$2m a year on security systems. It has added another \$700 000 in this year's Budget to accelerate that program. Investigations by the department show that sprinkler systems are not necessarily cost effective. As I am sure all members will agree, the number one

priority, particularly in schools with younger children, is the safety of the children. There is some evidence and certainly some concern that sprinkler systems can create confusion in that environment and diminish safety conditions. Sprinkler systems are not favoured in school buildings. Although that may mean the buildings may be more susceptible to damage, the safety of children is enhanced if they can be moved quickly, without the confusion created by a sprinkler system coming on.

I decline to comment on the security system because the fire is under investigation by the arson squad and all the issues which have been raised are being thoroughly investigated.

#### HEALTH - JOONDALUP CAMPUS

##### *Extensions*

**338. Mr BAKER to the Minister for Health:**

What is the progress of the extensions to the Joondalup Health Campus including, but not limited to, the campus accident and emergency section?

**Mr PRINCE replied:**

I thank the member for some notice of this question and for the opportunity to say that the accident and emergency department of the Joondalup Health Campus will be formally opened on 4 June.

The other parts of the extension to the campus due for completion are: The day chemotherapy unit, due for completion in July this year; the west wing, which has some inpatient beds and will accommodate most of allied health, due in July; the renal dialysis satellite unit, due in August; the diagnostic services unit, due in September; the intensive care unit and new theatre complex, due in October; the aged care restorative unit, due in November; the east wing, which has further inpatient beds and the obstetrics and paediatric unit, together with the psychiatric inpatient complex, due in December; and the community health complex, due in January next year, by which time the total campus will be complete. It will then be able to be commissioned as a completely refurbished and rebuilt hospital.

#### GOVERNMENT CONTRACTS - COMSWEST

##### *Review*

**339. Mr BROWN to the Minister for Works and Services:**

- (1) Has the Government contract with ComsWest been an outstanding success?
- (2) Is it true that one or more government departments and agencies have not been able to get detailed information from ComsWest for proper accounting purposes?
- (3) Is it also true that at least one department and agency proposed to cancel the service with ComsWest?
- (4) Why has the Government resisted cancelling the contract with ComsWest when the company clearly has not delivered a high level of service?

**Mr BOARD replied:**

I thank the member for the question.

- (1)-(4) The contract with ComsWest is a three year contract with an option for a three year extension, which is due in February next year. The Government is required to review the contract and to give notice by August this year of whether it will extend the contract. We are now reviewing the performance of the contract. As a result of the Telecommunications Act 1991, which provided the impetus for the Government to use a telecommunications broker, savings have been made. In fact, almost \$18m has already been earmarked as direct savings and approximately 1 300 accounts have been cancelled as a result of the auditing. The department had high expectations of the contract and it is reviewing its performance. Overall, it has shown good savings and I am pleased with the result of the contract so far. However, we will consider whether we can do better and we will review that individual contract for the long term future.

#### SCHOOLS - HIGH

##### *Churchlands Senior - Fire*

**340. Dr CONSTABLE to the Minister for Education:**

I also refer to the devastating fire at Churchlands Senior High School on Monday morning and ask -

- (1) What specific action has been taken to assist staff and students at the school?
- (2) Will the Minister confirm that the rebuilding program will be completed by the beginning of the 1998 school year?

**Mr BARNETT replied:**

I thank the member for some notice of this question and for joining me to inspect the damage at the school yesterday.

- (1)-(2) I commend a number of agencies involved: The fire brigade for the way it dealt with the fire, the school principal, the staff and more recently the staff of the Department of Contract and Management Services, who were on the site doing an excellent job.

A number of arrangements have been put in place by the school to minimise disruption to students. Years 8, 9 and 10 have not attended school since the fire. However, they will be there on Thursday. All year 11 and year 12 students turned up for exams this morning. Use is being made of facilities at Scarborough Senior High School. However, it may be necessary to use other facilities and put transportables on site. I am confident the academic program will continue. Special arrangements have been made with the Secondary Education Authority to make sure that those students in years 11 and 12 who have lost practical work or assignments at various stages of development are not disadvantaged.

With reference to the rebuilding program, the site has been made secure. The asbestos is being removed today and the arson squad will be able to fully investigate the site in the next few days. The Education Department has engaged a team of architects to assess the structural stability of the building and perhaps as early as this weekend will be seeking expressions of interest for the redesign of the school. It is yet to be determined whether it is possible to restore and rehabilitate those buildings, which is half the school, or whether it is necessary to demolish and rebuild them. The school was due to have a \$1.5m upgrade and now that will be combined with, I guess, a total of \$3m as part of the replacement. Unfortunately, the indication is that it will probably take until the middle of next year before all those facilities can be put in place. It will cause disruption to the school, but it is as quick as it can possibly be done. I also acknowledge the work of the Churchlands Senior High School Parents and Citizens Association which has launched a fire fund to help the school to get back on its feet quickly.

#### DEFENCE - EFFICIENCY REVIEW

**341. Mr OSBORNE to the Premier:**

The Commonwealth Government recently released a defence efficiency review. Will the Premier inform the House of the implications of this review for Western Australia?

**Mr COURT replied:**

The Commonwealth Government released a review which will, no doubt, provide a number of important improvements to the delivery of the front-line aspects of the defence forces. There is concern with some of the recommendations in this review. One proposal is to abolish all the industry-related elements of the defence acquisition regional offices. A local office was established in this State in 1988 and it is designed to work alongside Western Australian industry so it can get a larger share of defence purchasing contracts. That office has provided some very good advice to local industry. The problem is that Western Australia still gets a pathetically small amount of the defence budget - between 1 and 2 per cent of a \$4b purchasing budget. If the Western Australian office is closed, it will be more difficult for Western Australian companies to lift that share of defence purchasing. Basically, the Western Australian industry has been receiving a dud deal when it comes to getting a fair share of defence purchases and the Government's concern is that closing this office will make it even more difficult for the State to break into those markets.

#### CRIME - BUREAU OF CRIMINAL INTELLIGENCE

##### *Resources*

**342. Mrs ROBERTS to the Minister for Police:**

In light of the recent delay in warning the public of a serial rapist, the bikie gang rape in Quininup and the regionalisation of police boundaries -

- (1) Will the Minister advise whether the Bureau of Criminal Intelligence has sufficient resources at its disposal to identify criminal activities across district or regional boundaries?

- (2) Is the criminal analyst system fragmented into regions or is the system centralised and the services of the Bureau of Criminal Intelligence leased out to particular regions on a needs basis?

**Mr DAY replied:**

- (1) I have no reason to believe the resources which are available to the Bureau of Criminal Intelligence are insufficient. I will seek further advice from the Commissioner of Police, who has responsibility for the operations of that unit.
- (2) If the member puts the question on notice, I will seek the information. It is detailed information to which I am not privy at this moment.

#### SPORT AND RECREATION - HEALTHWAY

##### *Funding*

**343. Mr BRADSHAW to the Minister for Health:**

- (1) Is the Minister aware that Healthway has reduced funding to sporting programs such as the South West Opportunities in Recreation for People with Disabilities?
- (2) Will he explain why these funding cuts have been made?
- (3) Does he support such funding cuts?

**Mr PRINCE replied:**

- (1)-(3) Yes, I am aware that Healthway has reduced funding for some sporting programs including the one to which the member referred. In the past two years the number of applications for sports sponsorship addressed to Healthway doubled. That is a significant increase. It shows there is an increased interest in the programs in the community, which is a good thing. However, applications for Healthway sports sponsorship now exceed available funds by about 40 per cent, which is a large amount. Therefore, it has been necessary to make adjustments to the level of sponsorship to individual sporting organisations. Healthway is endeavouring to continue to sponsor as wide a range of organisations as it can. I support it in that endeavour. It is regrettable that some organisations are sponsored on a one-off basis or for only a short period and not on a continuing basis. The Healthway charter is to encourage, develop and support and not to continue on an ad infinitum basis for any organisation.

#### PORTS AND HARBOURS - KEMERTON

##### *Expansion*

**344. Mr GRILL to the Minister for Resources Development:**

I refer to the Minister's claims during last week's Estimates Committee hearing that he would like to see something done about a Kemerton port. How does he reconcile that comment with the much paraded pre-election commitment of the new member for Mitchell that there will not be a port at Kemerton? I refer to an advertisement run in the media just prior to the election campaign.

**Mr BARNETT replied:**

I am aware that the issue of Kemerton, the expansion of the site and sea access has received a lot of publicity in the south west in the last couple of days. The publicity bears no relationship to what was a 40 second question and answer in the Estimates Committee. I suggest the member read the transcript. The member for Greenough asked a question about Kemerton and its expansion and referred to access. The point I made and I make again is that one of the limitations of Kemerton is that it is on the coast, but not quite on the coast. The Government is working on improving a transport corridor to the Bunbury Port. Hopefully that will overcome one of the limitations in attracting new investment to Kemerton. That is what the Government is doing.

#### HOUSING - KEYSTART LOANS LTD

##### *Interest Rate Reduction*

**345. Mr OSBORNE to the Minister for Housing:**

With the latest reduction in interest rates, will Homeswest reduce the interest rate on Keystart loans?

**Dr HAMES replied:**

I have great pleasure in announcing on behalf of the Western Australian Government that it will pass on the full 0.5 per cent interest rate cut to people with Homeswest and Keystart variable home loans. It has been a great disappointment to me that the full 0.5 per cent reduction initiated by the Reserve Bank was not passed on by the major banks. Not only would that be a great stimulus to the housing market, but also it would be a significant reduction in payments for those people who have large mortgages. For the 13 000 borrowers who will benefit from the 0.5 per cent reduction by the Government, the variable interest rate will reduce to 7.75 per cent.

Ms MacTiernan: It is still a half a per cent above the market.

Dr HAMES: It is not; it is less than half a per cent above the market. Keystart loans are provided to people who are unable to get loans through the normal market system; they cannot go into the marketplace and obtain other loans. We should remember that people who are not able to fulfil the commitments on other loans apply for Keystart loans. Keystart borrowers cannot avail themselves of the full resources of the major banks. Nevertheless the reduction is a major achievement for the Government. It will result in approximately a \$30 a month saving on a \$90 000 loan. I am proud that the Government is the first organisation in Australia to pass on the full 0.5 per cent cut. It will benefit a great number of people on lower incomes.

## HOUSING - KEYSTART LOANS LTD

*Mortgage Foreclosures***346. Ms MacTIERNAN to the Minister for Housing:**

- (1) How many Keystart borrowers had or have had their homes repossessed or foreclosed by the mortgagee in 1994, 1995, 1996 and 1997?
- (2) What is the value of the losses to the State of those loans?

**Dr HAMES replied:**

I thank the member for some notice of this question.

- (1) In 1994, 46; 1995, 53; 1996, 132; and 1997, 141.
- (2) This represents no loss to the State because unlike systems in many other States where significant funds were lost by Governments, the Keystart program is fully financed. Any losses incurred are covered within the loan program.

## HERITAGE - BELLEVUE HOMESTEAD

*Heritage Council Recommendations***347. Ms McHALE to the Minister for Heritage:**

I refer to the conservation order issued on 25 April on the historic Bellevue Homestead.

- (1) Has the Heritage Council considered the submission from the heritage consultant regarding this building?
- (2) If so, what was the outcome of the council's deliberations?
- (3) Will the Minister adopt the recommendations of the Heritage Council?

**Mr KIERATH replied:**

- (1)-(3) When I was away, the Acting Minister for Heritage placed a conservation order on the building. He has a reputation of doing things when the Minister is away! I understand that all information has been taken into consideration. I spoke with the owner of the building recently and he was reasonably happy with the situation.

## FAMILY AND CHILDREN'S SERVICES - GRANNY SPIERS HOUSE

*SKIPS Program - Funding***348. Mr BAKER to the Minister for Disability Services:**

Does the Minister propose to provide ongoing funding for the special kids integrated parent support program - SKIPS - conducted at Granny Spiers House in Heathridge; if so, for what duration and in which sum?

**Mr OMODEI replied:**

I thank the member for some notice of this question. I am very pleased to confirm that the special kids integrated parent support program or SKIPS conducted at the Granny Spiers House in Heathridge is receiving \$8 000 funding on a recurrent basis. This funding is provided through the Disability Services Commission. The program provides playgroup facilities and therapy for children with disabilities, and resource information and advice to parents. The SKIPS program is acknowledged by families to have made a valuable contribution to disabilities services available to the local community.

LEGISLATIVE COUNCIL - ELECTORAL SYSTEM

*Changes*

**349. Dr GALLOP to the Premier:**

Will the Government be moving to change the electoral system for the Legislative Council in order to neutralise its House of Review function, along the lines suggested by the Liberal Party National President Mr Tony Staley in relation to the upper House of the Federal Parliament?

**Mr COURT replied:**

I will look at Mr Staley's proposal. For some years the Government has considered a number of changes to the Legislative Council. However, to my knowledge the specific proposal to which the Leader of the Opposition refers has not been one of them.

Dr Gallop: What sorts of ideas do you have in mind?

Mr COURT: I think the member is familiar with some of the general proposals. The Government currently has nothing before it for any specific changes. The Minister responsible has been considering a wide range of options.

Dr Gallop: He says he is considering everything. In fact, everything is on his agenda.

Mr COURT: That is right.

INDUSTRIAL RELATIONS - INTIMIDATION

*Leader of the Opposition's Attitude*

**350. Mr MASTERS to the Minister for Labour Relations:**

Following the question on Tuesday, 6 May about the Leader of the Opposition's laid-back attitude to union threats and intimidation, is the Minister aware of any other incidents in which the leader took the same cavalier attitude towards workers' rights?

*Point of Order*

MrKOBELKE: That question contains an imputation about the Leader of the Opposition and, therefore, is not acceptable under the standing orders of the Legislative Assembly.

The SPEAKER: May I have a copy of the question? While I am waiting for that copy, we will proceed with questions.

*Questions without Notice Resumed*

SCHOOLS - DRUG EDUCATION PROJECT

*Budget*

**351. Mr RIPPER to the Premier:**

- (1) Is the Premier aware that the school drug education project, which he launched last month, has a total budget for 1997-98 of only \$250 000?
- (2) Is the Premier aware that this figure is the equivalent of about \$1 for each state school student enrolled in Western Australia?
- (3) Is the Premier aware also that the project's \$250 000 budget is almost \$100 000 less than what he has spent on furniture and fittings in his office?

- (4) Does he think the \$250 000 will allow schools throughout the State to play, in the words of the Premier's press statement, "a crucial role in the future prevention of drug abuse"?

**Mr COURT replied:**

- (1)-(4) Next year the Government will spend about \$2m on the implementation of the drug education strategy. The school education component of that will be about \$250 000. That figure will increase as the numbers of teachers who are trained go through the system. I understand the first in-house training for the drug education program starts this week. The program has the full support of the teachers and parents involved. It is the Government's intention to train as many teachers as possible. As they are trained, the budget will increase accordingly. The Government puts a lot of emphasis on ensuring that well trained and well qualified teachers handle this program. The program is designed for different age levels in schools so that as students go through school the program changes accordingly. It will be one of the most effective education programs.

Mr Ripper: Do you still say it is crucial in the fight against drug abuse?

Mr COURT: It is. The in-house training of teachers commences this week. As more teachers go through the system, more funding will be required. The Government will not penny pinch in the implementation of the drug education strategy. The Government has a great deal of concern about the increase in the number of heroin deaths.

Mr Ripper: Do you propose any new action to deal with them?

Mr COURT: Yes, the Minister responsible for that area will announce those shortly. The Government is concerned that high strength heroin has been available on the streets of Perth. The approach the Government is taking in which it will develop drug education programs and a number of other initiatives can be compared with that taken by Labor Party members whose attitude is to go soft on the issue and decriminalise marijuana for personal use. They say marijuana is not a gateway drug, yet the evidence in all countries that have freed up regulation in this area is that it has led to greater addiction to drugs such as heroin.

Ms MacTiernan interjected.

Mr COURT: The member for Armadale can make her interjections. The Government will debate drug issues any day of the week she likes.

## INDUSTRIAL RELATIONS - INTIMIDATION

### *Government Action*

#### **352. Mr MASTERS to the Minister for Labour Relations:**

Following the question on Tuesday, 6 May about the laid-back attitude of the Leader of the Opposition to union threats and intimidation, is the Minister aware of any other incidents in which the Leader of the Opposition took the same cavalier attitude to workers' rights?

**Mr KIERATH replied:**

I outlined to the House that the Leader of the Opposition, when asked by a caller on talkback radio about threats and intimidation in the workplace, said it was a tough world out there. On reflection, I thought the Leader of the Opposition might have been caught on the hop and when he had had a chance to consider his answer he would recognise it was a disgraceful response and would retract it. However, that same afternoon on a talkback radio station another caller said he was on strike because he had been ordered to, and had been told that if he did not go on strike the yard would be black-banned and his job would go down the drain. In response to a question from the Leader of the Opposition, the caller said the union representative had made the threat. Again, the Leader of the Opposition replied that we live in a pretty tough old world. That was the attitude of the Leader of the Opposition to someone whose firm had been blackmailed and whose job had been threatened. The Leader of the Opposition had no sympathy for that person. In the past the Australian Labor Party used to champion the rights of the working men and women in this State. It is interesting that its response now is that we live in a pretty tough old world. The Government can assure the working men and women of this State that members on this side of the House are interested in their welfare, and they will stand up for them and prevent the blackmail, standover tactics and thuggery that occurs. Those people can place their trust in members on this side of the House, which is more than they can do with members opposite. It reminds me that a prominent Labor person said that the Labor Party used to be the cream of the working class and it is now only the dregs of the middle-class.