



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Tuesday, 10 June 1997

## Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

### ELECTION OF MEMBER

*Halligan, Hon Raymond James*

**THE PRESIDENT** (Hon George Cash): I have a letter from the Western Australian Electoral Commission addressed in the following terms -

Dear Mr Cash,

I have today written to His Excellency, the Governor, to inform him that I have declared Mr Raymond James Halligan to be elected as a member of the Legislative Council to fill the vacancy in the North Metropolitan Region. A copy of my letter to the Governor is enclosed for your information.

Your sincerely,

Lyn Auld  
Acting Electoral Commissioner  
3 June 1997.

A letter to the Governor is attached to that. I table that letter.

[See paper No 484.]

**THE PRESIDENT:** I welcome our newest member, Hon Ray Halligan, to the Legislative Council. I advise members that Hon Ray Halligan was sworn in as a member of this House last Friday morning. On behalf of all members, I convey to our colleague best wishes for his stay in this House.

Honourable members: Hear, hear!

### BILLS (3): ASSENT

Messages from the Deputy of the Governor received and read notifying assent to the following Bills -

1. Western Australian Sports Centre Trust Amendment Bill
2. Acts Amendment (Marine Reserves) Bill
3. Sea-Carriage Documents Bill

### STATEMENT - BY THE PRESIDENT

*Clerks of the Legislative Council - Wearing of Wigs*

**THE PRESIDENT** (Hon George Cash): It is the tradition for officers of this House to wear formal dress similar to that worn by the Speaker and Clerks of the House of Commons. It is my intention to continue that tradition subject to one modification; namely, the discontinuation of the wearing of wigs other than on ceremonial occasions, such as opening day. I note that the Speaker of the House of Commons, High Court and Federal Court judges and the Speaker of the House of Representatives have all discontinued wearing wigs for a variety of reasons and that judges of the state Supreme Court have adopted the bench wig for use on those occasions when previously the full bottomed wig would have been worn. It is my view that no harm will be done to the dignity of the Chair or the usages of this House by my proposal and I intend to give effect to this decision when the House resumes at 7.30 pm today.

### PETITION - EUTHANASIA REFERENDUM

The following petition bearing the signatures of 2 061 persons was presented by Hon Norm Kelly -

To the Honourable President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia respectfully draw the attention of the House to the issue of legalising voluntary euthanasia for the terminally ill.

Your petitioners pray that the House will pass a Bill allowing for a Statewide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

And your petitioners, as in duty bound, will ever pray.

[See paper No 485.]

### **MOTION - JOINT STANDING COMMITTEE ON COMMISSION ON GOVERNMENT**

#### *Reports to be made Order of the Day*

Resumed from 9 May.

**HON J.A. COWDELL** (South West) [3.51 pm]: The necessity for this motion should be apparent to all members, particularly given my introductory remarks on this matter. I have already pointed out that in the past the House has given scant attention to the reports that are the subject of my motion; that the House might have debated one or two of the 11 reports, but no more than that; that no motions have been carried with respect to those reports or arising out of those reports; that the Government's commitment to the implementation of the reports has been minimal - there has been very little legislative activity; and that the Council has not formally considered the Government's response to the 263 recommendations that the committee has commented on. For those reasons I have brought this motion to the House.

I also said previously that the change to the sessional order allowing for committee reports to be considered is a step in the right direction and that being able to consider ordinary motions on two days a week would also be helpful. I hope that a range of Bills will be presented to this Chamber that may embody the substance of the recommendations of the Commission on Government Joint Standing Committee.

I have also commented on the Government's lack of commitment resulting in its only coming up with unequivocal support for 22 of the recommendations of the Commission on Government.

I also pointed out that this Chamber needed to send an urgent reminder to the Government that action was needed on the committee reports and on the COG recommendations. Not only does this Chamber expect some action, but also the people of Western Australia expect some action. On that basis I bring my introductory remarks to a conclusion and commend the motion to the House because it is something that requires the attention of this House in the near future.

Debate adjourned, on motion by Hon Tom Stephens (Leader of the Opposition).

### **MOTION - STANDING COMMITTEE ON GOVERNMENT AGENCIES**

#### *Thirty-sixth Report - Consideration to be made Order of the Day*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.53 pm]: I move -

That the thirty-sixth report of the Standing Committee on Government Agencies - "State Agencies - Their Nature and Function" be made an order of the day for the next sitting of the House.

Debate adjourned, on motion by Hon Kim Chance.

### **MOTION - MEMBERS OF PARLIAMENT**

#### *Identity Passes*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.54 pm]: I move -

That the statement of Hon Paul Sulc to the House last night regarding the denial of his access to the Parliament be referred to the House Committee to assess whether it is now appropriate to introduce a system of identity passes for the members of the Parliament for access to Parliament House.

Debate adjourned, on motion by Hon Kim Chance.

### **MOTION - SENATE VACANCY**

#### *Delay in Filling*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.55 pm]: I move -

That the House -

(a) notes that -

- (i) on Thursday, 8 May 1997, 97 days will have passed since the death of Senator Panizza, during which time Western Australia has been without its full representation in the Senate; and
- (ii) this represents the longest delay in filling a casual vacancy in the Senate since the casual vacancy provisions of the Commonwealth Constitution were amended in 1977;
- (b) expresses its support for the resolution of the Senate of 3 June 1992 which resolution was re-affirmed on 7 May 1997 in which the Senate -
  - (i) expressed its belief that casual vacancies in the Senate should be filled as expeditiously as possible so that no State is without its full representation in the Senate for any longer time than is necessary; and
  - (ii) recommended that all State Parliaments adopt procedures to ensure that a vacancy is filled within 14 days after the notification of the vacancy or receipt of the nomination from the relevant party, if the vacancy is one, which under section 15 of the Constitution, must be filled by a member of a political party;
- (c) calls upon the Government of Western Australia to adopt procedures for expeditiously filling casual Senate vacancies which are consistent with the wishes of the Senate and to ensure internal party political considerations do not overwhelm the rights of the people of Western Australia to full representation in the Commonwealth Parliament.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [4.00 pm]: I gather the mover of this motion does not intend to speak.

Hon Tom Stephens: I will speak in reply.

Hon N.F. MOORE: I thought the member might have moved the motion and then have spoken to it. In view of the fact the Opposition is seeking to cleanse the notice of motion section of the Notice Paper, it is important that we debate some of those issues. It was disappointing there was no debate on the motion that the thirty-sixth report of the Standing Committee on Government Agencies be made an order of the day.

*Point of Order*

Hon TOM STEPHENS: The Leader of the House is not dealing with the motion before the Chair.

The PRESIDENT: There is no point of order. The Leader of the House is dealing with the motion before the Chair by way of introductory remarks.

*Debate Resumed*

Hon N.F. MOORE: Another motion on the Notice Paper that at the time it was moved was of great concern to the member involved was not debated either. We are now on to motion No 4, which is a motion on the filling of a casual vacancy in the Senate. It is interesting that the Leader of the Opposition, who moved this motion, again chose not to speak to it. I thought if a member felt it necessary to go to the time and trouble to draft a motion, he would at least speak to it.

Hon Peter Foss: It is pretty difficult for you to speak to it if you do not know what members opposite are on about.

Hon N.F. MOORE: It is interesting also that it was not that long ago that the member who gave notice of this motion and who decided not to speak on it spoke for eight hours on another matter. It is hardly as though he is short of a word or two. However, for some strange reason today he has sought to simply give notice of motions and sit down, and ask for someone to adjourn the debate for him. I find that extraordinary.

Hon Tom Stephens: I am waiting for Hon Barbara Scott to speak. You are blocking her from speaking.

Hon N.F. MOORE: Not at all; her day will come. She was not in the Chamber when I rose to speak. That is one of the reasons I am standing. Hon Tom Stephens does these tricky things, so we will all be tricky if that is how he wants to play the game. It is a shame the Chamber must be sent into this sort of situation. However, I will talk about this motion because I, too, am interested in the matters raised about the filling of a casual vacancy in the Senate.

I spent a little time during the joint sitting of the House describing one of the reasons there was a delay in filling the vacancy. I have not observed Hon Tom Stephens giving notice of a motion to examine the problems in the state electoral laws on the filling of a vacancy in the Legislative Council. Western Australia has an electoral law that you, Mr President, and members know provides for the filling of vacancies in the Legislative Council. Regrettably, a

problem is attached to that law which means that at certain times it is impossible to fill a vacancy. All the advice I have received indicates that had Hon Ross Lightfoot, who is the subject of this motion, resigned to go to the Senate at the time of his endorsement by the Liberal Party, it would have been impossible for his vacancy to be filled in this Chamber. Members of the Labor Party were happy for that to be the case because they were looking for ways and means to get the numbers in this Chamber to prevent the industrial relations legislation being passed.

Hon Tom Helm: What a scurrilous thing to say.

Hon N.F. MOORE: I am not saying it is scurrilous; I am just telling members opposite what they did. This motion from Hon Tom Stephens is couched in the most highfalutin, high moral ground type of language, that only he can conjure up, to suggest the Government should have filled a vacancy in the Senate, even though he knew that by filling that vacancy we would not have been able to fill a vacancy in this House. That issue must be sorted out.

Hon Tom Helm: If we had known that, we would not have done it. Trust us.

Hon N.F. MOORE: When I was very young my parents told me I would get a pimple on my tongue if I said things like that. I suspect that is probably what will happen to Hon Tom Helm shortly.

Hon Tom Helm interjected.

The PRESIDENT: Order! If the Leader of the House addresses the Chair, there will be no need for interjections.

Hon N.F. MOORE: Notice of motion No 4 is critical of the Government for not filling a vacancy in the Senate at the time the Opposition suggests it was appropriate to do so. Everybody agrees it is important to fill vacancies in the Senate as quickly as is humanly possible to ensure the State's representation is not diminished. It is a credit to the Federal Opposition that it was prepared to provide a pair in the Senate for the late Senator John Panizza; therefore, the absence of a replacement did not affect balloting in the Senate. That approach is in marked contrast to the attitude taken by the Labor Party in this Chamber only two weeks ago when a ballot for positions was held and one of the government members had not been sworn in. That member was one of those who had been on the ballot paper for the last election and he was to replace Hon Ross Lightfoot.

Hon Peter Foss: He was one of those who was keen to have his voice heard in this Parliament.

Hon N.F. MOORE: No, he was not one of those because Hon Ross Lightfoot was elected at the last election. It was not as though he would have been elected in his own right had Hon Ross Lightfoot not resigned. However, he is the next person on the ballot paper who was to take his place in the event of a vacancy. It is a shame members of the Labor Party were not prepared to delay the election of a person to an important position until Hon Ray Halligan could take his position in the House. That contrasts starkly with the attitude of the federal colleagues of members opposite towards the vacancy created by the untimely and unfortunate death of Senator John Panizza.

It is interesting to note that since that time the elected Chairman of Committees in this Chamber has indicated he might not want to be in that position all the time. If he must sit in your Chair, Sir, and make a decision against his party as the Deputy President, he might have to resign. I wish Hon John Cowdell had told us that at the time of the election for that position. I am sure members who voted for him might have been interested to know that he would not necessarily be a full time Chairman of Committees.

Hon J.A. Cowdell: Would that have affected your vote?

Hon N.F. MOORE: It may have. I give the member an assurance that I certainly did not vote for him. However, perhaps a number of other members who were in the middle of that debate may have been interested to know that the member would stand down if he found himself in a position as Deputy President in which he had to vote against his party. I find that an extraordinary state of affairs, particularly as the ballot was held when one of the government members could not be here by virtue of the fact that it takes time to fill a vacancy.

Hon Tom Stephens: You are filibustering, Minister, and you are not on the topic of the motion.

Hon N.F. MOORE: I am trying to draw an important comparison between the situation here and that in the Senate, in which the Opposition's federal colleagues were prepared to acknowledge there was a vacancy and to provide a pair under those circumstances. In stark contrast, in this Chamber Hon Tom Stephens took advantage of the situation the Government found itself in, as only he could, and made sure the ballot for Chairman of Committees was held on the day the Government was one number short. It is a reflection on the member and his colleagues that they were not prepared to acknowledge that there was a vacancy and that a tradition existed called pairs, as occurred in the Senate, and that they were not prepared to delay the filling of the position of Chairman of Committees until Hon Ray Halligan could take his position in this place. The Opposition also knew that Hon Ray Halligan could not fill that vacancy until after 21 May because the Electoral Act is flawed. Had Hon Ross Lightfoot gone to the Senate some time in May

or earlier, Hon Ray Halligan could not have been elected to his position until after 21 May because his appointment relates to the second election of Hon Ross Lightfoot in 1996 rather than the election contested in 1993. It is interesting to note that Hon Ross Lightfoot had to resign twice, first as a member elected in 1993 and then as a member elected in 1996. Regrettably, he could not be replaced in the context of his 1993 election, and could be replaced in respect of his 1996 election only after 21 May. It is a pity that we find the Labor Party, through Hon Tom Stephens, who is not prepared to debate his motion, moving criticism of this particular situation.

Hon Tom Stephens: The motion compels by itself; it does not need explanation.

Hon N.F. MOORE: That has now been written down, and I will quote it back to the Leader of the Opposition on countless occasions in the future when he speaks ad nauseam, especially if he makes another eight hour speech on a motion which conveys all the arguments within the terms of the motion itself. I shall look forward to a future occasion when I might remind the Leader of the Opposition of what he said a few minutes ago.

Hon Tom Stephens: Remind me on every occasion.

Hon N.F. MOORE: I will do so every time. However, I hope the Leader of the Opposition will be consistent on that question, because it will save the House an enormous amount of time.

The PRESIDENT: Order! The Leader of the Opposition will cease his interjections.

Hon N.F. MOORE: The motion from Hon Tom Stephens notes that some time has passed and it is allegedly the longest delay in filling a Senate vacancy, and proposes that the House express its support for the resolution of the Senate on 3 June 1992 to do a number of things. It is interesting that the Senate has a view on these matters. The Legislative Council might adopt a view of filling vacancies in its own Chamber and, as a group of people who are allegedly intelligent, we might work out a solution to a problem that arose as a result of a vacancy that occurred between the election in 1996 and 21 May 1997. We need to think about whether the replacement should automatically come from the political party of the person who resigned or is deceased, or whether to go through the recount system contained in the legislation currently which we know causes difficulty from time to time.

Hon J.A. Scott: What happens if they are an Independent?

Hon N.F. MOORE: That creates an issue and needs to be looked at. I am not sure what the Senate does in the case of Independents.

Hon Peter Foss interjected.

Hon N.F. MOORE: Perhaps they do and in some cases just pick an ALP member. There is a problem which needs to be resolved and we can sort it out if commonsense prevails. As far as the Senate is concerned, a process is needed to make sure vacancies are filled reasonably expeditiously.

The motion further calls upon the Government of Western Australia to adopt procedures for expeditiously filling casual Senate vacancies which are consistent with the wishes of the Senate and to ensure internal party political considerations do not overwhelm the rights of the people of Western Australia to full representation in the Commonwealth Parliament. I do not think paragraph (c) is a reflection of the facts. The Liberal Party, for reasons of its own, made a decision about its candidate to fill the vacancy and Hon Ross Lightfoot was endorsed. The problem then arose that, had he resigned from this House, the vacancy created by his resignation from the Legislative Council could not be filled.

It is not a problem caused by taking into account party political considerations, but is a serious problem created by our faulty legislation; that is, had we sought to fill the vacancy in the Senate, we would have created a vacancy in this House. That would have been unfortunate, not because of party political considerations but because the constituents of the North Metropolitan Region would have been one member short. Just as Hon Tom Stephens' motion argues that it is important for Western Australians to have representation in the Senate, it is an equally good argument that constituents in the North Metropolitan Region are entitled to their number of members in the Legislative Council. Surely, Hon Tom Stephens would not suggest that the electors of Western Australia in relation to a Senate vacancy are any more or less important than the constituents in the North Metropolitan Region with regard to a position in the Legislative Council. I am sure he would not argue that. Constituents are entitled to be represented, and it was an unfortunate state of affairs that this situation arose when it did. It is rather sad to have this motion on the Notice Paper which suggests in paragraph (c) that it was due to party political considerations, when it was caused by a flaw in the state Electoral Act.

I am interested in hearing the views of other members on this matter because it is an important issue. It was so important that we heard about it ad nauseam week after week when debating the industrial relations legislation. I find it ironic that the Leader of the Opposition should take a point of order on whether I am addressing the motion when

for three weeks this matter was talked about during the time the industrial relations Bill was before the House. Members must take the good with the bad, and consistency is not always apparent in this Chamber. People change their views from time to time, even at short notice, as I have experienced since I have been a member of this place.

I am carefully reading the motion to determine whether the Government can support it. I support the general thrust because it calls on the House to do all it can to ensure Senate vacancies are filled expeditiously. I am sure all members agree with that. The problem I have is that paragraph (c) contains implied criticism of the process in that somehow or other the recent situation was a result of internal party political considerations that overwhelmed the rights of the people of Western Australia to full representation in the Commonwealth Parliament. I have some difficulty supporting that part of the motion. I am not sure whether to amend it or whether to simply adjourn debate so that other members can give the matter some further consideration. We should at least use this occasion to give some serious consideration, not to the problems of filling a Senate vacancy - that is well and truly covered by the processes - but to the problem of filling vacancies such as that which occurred in recent times in the Legislative Council.

Hon Peter Foss: Paragraph (c) should be taken out altogether because it does not allow for the considerations you have raised in your speech. There are countervailing wishes of the people of Western Australia which must be taken into account.

The PRESIDENT: Order! The Attorney General will be given an opportunity to make his more complete speech in a moment.

Hon N.F. MOORE: I thank the Attorney General for his comment, albeit it was out of order. It gave me some help in respect of paragraph (c). I felt we could amend that paragraph but I now think a line should be drawn through it, and another paragraph added calling on the Government of Western Australia to ensure similar processes to those applying to Senate vacancies apply to the Legislative Council. We should seriously consider that so that perhaps when it comes before the Chamber again -

Hon Tom Stephens: If your Whip adjourns we can talk about it again.

Hon N.F. MOORE: I have no doubt about that. It is an issue worthwhile contemplating. I seek your guidance, Mr President. If I seek to move an amendment to this motion, should I do so at the end of my comments and does that then become the question before the House?

The PRESIDENT: The Leader of the House is correct in stating that when he nears the completion of his remarks, he is entitled to move an amendment if he sees fit.

Hon N.F. MOORE: I suspect the Attorney General will support the amendment.

Several members interjected.

The PRESIDENT: We will deal with the motion before the Chair, which relates to the filling of casual vacancies in the Senate.

Hon N.F. MOORE: The motion asks that the House note that on Thursday, 8 May 1997, 97 days would have passed since the death of Senator Panizza, and that that represents the longest delay in filling a casual vacancy. I will have to take the honourable member's word for that, but I am not saying it is incorrect. We are also moving that the House express its support for the Senate's resolution, which resolution was reaffirmed -

Hon J.A. Scott: Had it been any longer it would not have been worth sending him for the rest of the year.

The PRESIDENT: Order! There are to be no interjections.

Hon N.F. MOORE: The motion points out that the Senate expressed its belief that casual vacancies should be filled as expeditiously as possible, and the Government agrees with that. It also recommended that all State Parliaments adopt procedures to ensure that a vacancy is filled within 14 days after the notification of the vacancy or receipt of the nomination from the relevant party. The Government will probably go along with most of that on the basis that it generally is not prescriptive in any sense; it does not oblige the Parliament to do anything but set out an acceptable process.

*Amendment to Motion*

Hon N.F. MOORE: However, the Government believes that paragraph (c) should be deleted. I therefore move -  
That paragraph (c) be deleted.

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.21 pm]: I support the amendment. This event has been taken over by political cheap shots. Hon Tom Stephens has raised a very important point; that is, the need to fill a vacancy in the Senate. As stated by the Leader of the House, equally importantly, there are very good reasons why that was a difficulty for the Parliament of Western Australia. When the question was raised we all became aware of the problems with the Western Australian Electoral Act relating to the filling of casual vacancies.

Hon Tom Stephens: You are stonewalling an amendment of your colleague.

The PRESIDENT: The question before the House relates to the amendment and that is what we will deal with.

Hon PETER FOSS: That is a difficult issue and it has been totally overlooked by this motion. In fact, paragraph (c) is inappropriate because it assumes an inaccuracy; that is, that internal party politics led to the delay. It also assumes that no other issues are to be taken into account.

The point I raised relates to the section of the Electoral Act providing for the filling of casual vacancies in this House. That section was lifted from New South Wales legislation, which included provision for vacancies to be filled in this manner, but that State still has staggered elections. However, a problem arose when we tried to apply it. We found that it refers not to the election at which the person was elected but the most recent election. The difficulty is that it then excludes a number of people. The Act states -

"most recent election in the region", in relation to a vacancy, means the full election in the region in respect of which the vacancy has occurred that most recently preceded the occurrence of the vacancy;

Obviously, the full general election is the most recent election. We must then deal with the definition of a "qualified person" -

"qualified person", in relation to a vacancy, means a person who -

- (a) was a candidate at the most recent election in the region;
- (b) did not withdraw from, and was not elected at, that election;
- (c) has not become a member of the Council since that election; and
- (d) is qualified to be elected and is not disqualified from being elected as a member of the Council;

"vacancy" means a vacancy in the Council that occurs otherwise than because of -

- (a) the expiration of the term of service of a member;
- (b) an election in a region failing wholly or partially; or
- (c) the declaration of an election in a region to be absolutely void.

That is, if a member resigns then it is a vacancy. Section 156C provides -

- (1) Where the Governor receives or takes notice of a vacancy under section 156B the Governor shall inform the Electoral Commissioner, who shall -
  - (a) if satisfied that it is practicable to fill the vacancy under this section and section 156D, publish in at least 2 newspapers . . .

First, the Electoral Commissioner must be satisfied that it is practicable, or -

- (b) by notice signed by him, inform the Governor that he is not satisfied that it is practicable to fill the vacancy under this section and section 156D.

That is the first threshold test - is it practicable to fill the vacancy using this section? One then goes through an advertising campaign -

- (2) Where a vacancy is to be filled and -
  - (a) the member in whose seat the vacancy has occurred; or . . .  
was, at the time of being elected at most the recent election in the region, publicly recognized by a particular political party . . .

The problem is that the person has to have been elected at the most recent election. However, of course, Hon Clive Griffiths was not elected at the most recent election because he did not stand.



It goes on to state -

... without limiting the generality of subsection (1), it shall be taken to be impracticable to fill the vacancy under this section and section 156D if the Parliamentary leader of that party, by notice signed by him, informs the Electoral Commissioner that there is no available qualified person who is a member of that party.

The first difficulty is a member who has not stood again at the next election.

In addition, if they stood at the next election, quite plainly it becomes a vacant seat in the next one. Because Hon Clive Griffiths did not stand at the next election, there was not a vacancy and there were still five members in the South Metropolitan Region.

How do we then apply section 156D? The difficulty is that the legislation states that there must be a recount. How does one do that? First, one must find a consenting candidate, and a consenting candidate must not have been elected at the most recent election. Anyone who stood and who was elected at the next election is not eligible to be a person nominated for the vacancy because he or she has been elected and, therefore, is disqualified.

That is a bit of a funny one. Let us go on from there. Only people who were not elected are eligible to be elected under this provision. It then goes on to say that if there are two or more consenting candidates - if there is only one consenting candidate, that person is declared to be elected - the Electoral Commissioner using a method prescribed in schedule 1 shall recount the votes on the ballot papers used in the counting of the votes for the most recent election; that is, the one that took place in December 1996.

Subsection (4) refers to the recount with the preference indicated on the ballot paper for a previously elected member whose seat has become vacant. That assumes that that person's seat has become vacant. Of course, when dealing with a vacancy between the election and 22 May, the seat has not become vacant at that election. That might be the case of Hon Ross Lightfoot, but it was not the case of Hon Clive Griffiths. There was no vacancy. He was still an elected member.

Hon Kim Chance: If there is no vacancy, there is no problem.

Hon PETER FOSS: There is a vacancy, but it is not a vacancy at the moment, because it did not become vacant at the most recent election; it became vacant because the person resigned, and is not standing at the next election.

[Debate adjourned, pursuant to Standing Order No 195.]

## **ESTIMATES OF REVENUE AND EXPENDITURE**

### *Consideration of Tabled Paper*

Resumed from 27 May.

**HON GIZ WATSON** (North Metropolitan) [4.31 pm]: Mr President, there is a mood of anticipation in the community, an expectation of change. I sense a mixture of trepidation and excitement. Being on the brink of change is either exciting or fearful, depending on one's view of the world. The views of members of the Greens (WA) are not all that well understood in the community, and many people have only a narrow understanding of the philosophies and ethics of the Greens - often limited to tree-hugging stereotypes. It is my hope that, with our increased representation in Parliament, our views will become better understood and integrated into mainstream thought.

First, I wish to give my heartfelt thanks and congratulations to my fellow Green Hon Jim Scott for the pioneering work he has done over the past four years. I am delighted to be part of the threefold increase in Greens parliamentarians, especially at this historic time of change. I also give special thanks to my partner, June, without whose love and help I would not be here today. Her support has been unfailing and her expertise in campaign management legendary. I also acknowledge the support of my parents and family who have always stirred me on to new challenges and have been a tremendous encouragement to me. My heartfelt thanks go to all the Greens' members and supporters who have worked long and hard, against huge odds to achieve this electoral success; in particular, all the lower House candidates and their support team members who gave freely of their time and energy and achieved excellent results in many areas.

To introduce myself, I will touch on my personal background and outline my hopes and aspirations for the future, and highlight the issues the Greens believe should be prioritised. I was born in England and had the good fortune of living in a beautiful part of the countryside. On coming to Australia with my family in 1967, I immediately fell in love - with the bush. It has been a lasting affair. It is by far the most magnificent country I have ever had the opportunity to visit - extraordinary in its landscape, breathtaking in its beauty, and blessed in its diversity of life. I

am consistently inspired and sustained by this country. Therefore, it seemed almost inevitable that I would study environmental science, completing a degree from Murdoch University in 1981.

I went on to work in other areas, too, and completed my qualifications as both a carpenter and joiner and a registered builder. I successfully ran my own building company for 10 years in Perth and Albany. More recently, I have worked with many community groups around the Western Australian coastline to improve marine and coastal conservation. It was, and is, an inspiration and a pleasure to work with like-minded people to ensure the long term future of our magnificent, world renowned coastline and oceans.

To be clear from the outset: I believe in revolution! Traditionally revolution has been a dirty word in politics, evoking fearful images of chaos. However, our current behaviours and decisions are creating environmental and social chaos. A Green revolution seeks to change this direction, to establish a model where the highest care and consideration is given to sustaining the planet, and paramount importance is placed on the wellbeing of all members of our society. This requires a fundamental change of heart in many areas. Essentially it requires us to think about our society and our world as a whole, rather than fighting for the biggest patch for ourselves. It requires us to acknowledge our common humanity with all peoples and our vital connection with the planet and its natural ecosystems, and to act accordingly.

The situation in which we find ourselves in the 1990s calls for nothing short of a revolution - a revolution in attitude to the planet that sustains us; a revolution in practices; and a revolution in ethics. In other words, what philosopher Eric Fromm described as the revolution of hope. Over the past 25 years I have been involved in numerous community groups. I strongly believe that, as individuals, we can have a powerful impact on our world, if we stand up for what we believe in. As anthropologist Margaret Mead has said -

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it's the only thing that ever has.

The current trend of economic rationalism has been described by Professor Ian Lowe, an Eastern States Green, as trying to fly a jumbo jet with no fuel gauge or altimeter, only a speedometer. Society's main goal has been the achievement of ever increasing profit and consumption. The primary indicator of our economic health is considered to be increased production. This view is not only morally bankrupt, but also ecological suicide and naively shortsighted.

It is morally bankrupt because it is based on a crude, short term view that the land and its resources are exploitable commodities, neglecting to acknowledge our long term needs and also our interdependency with the wellbeing of our land and other living things. It assumes the land and its resources are there for the taking, and fails to recognise that they are already fulfilling a vital job of sustaining natural processes, such as purifying our water, recycling nutrients and providing oxygen.

It is ecological suicide because resources are finite, as is the earth's capacity to deal with the ever increasing waste being created by expanding production. The pressures of human population growth combined with irresponsible consumerism are placing an intolerable burden on our ecosystems. As one example, global conventional petrol production will start to decline in about five years; yet there is no sign that our current decision makers are taking this into consideration in their planning.

In Western Australia we have an important clean energy resource in the form of major natural gas reserves in our north west. Economic rationalism tells us that a dollar earned today is more valuable than that earned tomorrow, so the pressure is on to exploit everything as quickly as possible. Professor David Suzuki calls this the economics of extinction. If we were seriously thinking about our long term needs, we would use these reserves conservatively for the benefit of today's and future generations. These gas reserves will be worth infinitely more to future generations in an energy scarce world.

Greens promote the view that has long been held by Aboriginal people; that is, all of us should consider ourselves as custodians of the land and its resources with a responsibility to look after the land, sea and air for future generations and the wellbeing of other species. This is the revolution in attitude.

We must ask the right questions about what we produce and the method of production; whether a product is good and necessary and whether the method of production is the cleanest and best. We must urgently encourage clean, green and clever industries. This means innovative industries which are energy and resource efficient, producing socially worthwhile goods. So-called waste from our production processes should be seen as resources to be recycled.

As to a revolution in practices, I will look at the current situation in Western Australia, at the end of the twentieth century. We live in an ancient country, its ecosystems having evolved over millions of years. Western Australia's

natural systems can be described as mega-diverse and the majority of its plants and animals are found nowhere else in the world.

Greens are often seen as the bearers of doom and gloom, and people are turned off by that. However, it is important that we are honest and confront the reality we find ourselves in, so we can make well informed decisions for the future. In the 200 or so years that Europeans have occupied this country we have managed to dramatically change the environment in which we live. Europeans, and the animal and plants that we have introduced, have caused land degradation on a massive scale. In Western Australia alone we have caused the extinction of 10 mammal species, two bird species and 39 plant species. One-quarter of WA's remaining plant species are listed as threatened with extinction. Native forests now cover a mere 1 per cent of the land area. This is less than half of the area before European occupation. The remaining native forests are subject to continuing overexploitation, mainly for low grade products. The Swan coastal plain now has a fraction of its native vegetation, and only 20 per cent of the south west wetlands remains. The majority of our commercial fish species are described as fully exploited. Very few of our current types and levels of land use practices, whether they be mining, farming, logging or fishing, are ecologically sustainable in the long term.

Salinity in our agricultural land is perhaps the biggest and most immediate crisis we face in Western Australia. A recent Agriculture Department report on salinity states -

WA has over 70% of Australia's reported dryland salinity, an estimated 1.8 million hectares of farmland are already salt-affected to some extent and this area could double in the next 15 to 25 years and then double again before reaching an equilibrium . . . The fundamental cause of salinity is the replacement of deep-rooted native vegetation with annual crops and pastures used in agriculture. . . . The resulting annual agricultural loss will be approximately \$64 million annually until salinity reaches a new equilibrium some time in the next century.

Economists talk of debt; however, these are the kind of environmental debts which will by far outweigh any other. We also need to bear in mind this debt is only an estimate of the loss of agricultural productivity; nobody has estimated the debt incurred by the loss of species, water quality and topsoil and the loss of future opportunities. Under present production methods one tonne of wheat costs our land five tonnes of topsoil. It is an environmental disaster of awesome proportions. If any members are in any doubt I suggest that they take an aircraft and experience the true scale of the problem from the air.

Conservation minded people have long demanded a ban on further clearing of native vegetation. Greens (WA) will unequivocally support this. As Commonwealth Scientific and Industrial Research Organisation scientist Denis Saunders has said -

We have failed to sustainably manage our existing agriculture land, why should we allow any more to be cleared?

We also need to provide more resources to rural communities already struggling to grapple with the scale of these problems. Perhaps some of the so-called resource boom or perhaps the imminent gold royalty could be utilised. At the very minimum the revenue raised from resources that are exported - that is, leave our State forever - should at least pay for the maintenance of our environment that sustains us.

Another revolution in practice is the involvement and empowerment of the community to participate in decision making. First and foremost green politics is grassroots politics. We seek to decentralise power and maximise the freedom and self-determination of individuals and communities. We seek to involve the community in all decisions that affect them and draw on their knowledge and experience to guide our policies. We would like to open doors between government agencies and the community, and to break down the us and them mentality. It is our experience that well informed and empowered communities can usually solve most of their own problems and should be encouraged to do so.

I would like to preface what I am about to say about a revolution in ethics by asking members to consider what matters to them. Is it economic gain, surrounding ourselves with goods, the health and happiness of our families, the health of the community as a whole or the security and ability to live our lives without guns or gasmasks to protect us? If we do not consider what matters to us collectively - it is the responsibility of members particularly to consider the collectivity of what we do - what really matters will be lost and we will slide ever faster down the slippery slope of destruction of life as we know it. For example, our decision as a community to profit from the mining and export of uranium comes at a huge cost for thousands of people dying of radiation illness in places like Chernobyl.

The uranium industry plumbs the depths of moral bankruptcy and leaves behind a radioactive legacy of thousands of years. Exporting uranium is exporting cancer. It matters when we engage in this sort of unethical trade, and I am totally committed to stopping it. Likewise buying Nike shoes means that WA consumers are supporting the use of

child labour. Other people's children are exploited for the profits of unethical multinational corporations. It matters that we shop with a conscience. Closer to home, it matters what companies we do business with. For example, the French government-owned company Rhone-Poulenc, which has recently been given the go ahead to establish a rare earth plant in Pinjarra, is implicated internationally in the dumping of thousands of tonnes of toxic waste along the coast of Brazil. Rhone-Poulenc also exports the world's most toxic pesticide to Third World countries. This pesticide has the potency to kill an adult with one drop on the skin. I ask members to consider the ethics of this company. It matters enormously when we do business with it.

There is a pressing need to revolutionise our values and create an ethic that values restraint over consumption, the collective good over individual self-interest and adversity over uniformity. That ethic also takes in a global view. Obviously for our society to be strong and healthy the basic infrastructure needs to be secure: Food, housing, education, health care, transport and entertainment. The glue that holds society together is the community's vision of self as a cohesive whole and the individual's sense of his or her own value within that vision. It is the acts of kindness that we experience that make life worthwhile. Caring about the wellbeing of others or receiving that care is what makes us function well as human beings. With an increasing number of people concentrating their primary concerns on economic gain the world becomes a dangerous place. Competing fiercely for limited resources polarises our society: Men against women, young against old, haves against have nots. A community which encourages cooperation and welcomes diversity will be strong and flexible and best able to respond to the future. A community which exercises consumer restraint and advocates actions which are supportive and which reflect collective good will not have alienated youth with destructive and antisocial behaviour. These social problems are a symptom of a dysfunctional society. The ever increasing drug problem is just one of the direct results of an unethical value system, a signpost warning us that our society is in need of radical readjustment.

On a recent visit to Perth international activist and writer Joanna Macy said -

In the future people will look back to this time and will call it something like "the great turning point".

Greens (WA) aim to play a part in that turning. We aim to build a society that values our young people as one of our most precious resources; values the world that they will inherit; values their ideas and creativity; and values their individual contribution to diverse culture. Older members of our community are often also overlooked. We have much to learn from their life experience and accumulated knowledge. We can learn from other cultures where older people are revered and esteemed and really listened to. Greens value diversity over conformity. Diversity is a natural expression of life, and that diversity includes equity within the law and an end to discrimination for the gay and lesbian community, of which I am a proud member. The Foss amendments must be repealed as they sanction discrimination in housing, in education and in the provision of services to gays and lesbians. Also it is time for the age of consent for gay males to be brought into line with the rest of the community - that is, 17 years old.

Greens support unequivocally the aspirations of Aboriginal people in this country to obtain land rights and recognise that huge injustices have been done to them and their culture. We will work with them in a spirit of reconciliation and cooperation. The coexistence of native title and pastoral leases on crown land is supported by legal and historical fact upheld by the High Court. We will continue to argue that these facts be given real and just effect. We will also speak out clearly and loudly in support of a vibrant multicultural community.

In the area of industrial relations and particularly with the most recent undemocratic progression of the Government's labour relations legislation we will support the right to collective bargaining and the right of unions to negotiate on behalf of their members. In the North Metropolitan Region, I will work for a cleaner, healthier environment and pursue urgent action on contaminated sites, air quality and groundwater protection. We must also address the issue of Perth's ever-expanding population and recognise the urgent need to limit urban sprawl, specifically to create a regional park to preserve valuable remnant bushland, including the magnificent mouth of the Moore River at Guilderton, and to define the limit of Perth's expansion. We also must have a public transport system that is affordable, accessible and convenient to dramatically reduce our dependence on the private car.

I will also work to redress the erosion of public services. I believe that the benefits which are reaped from the State's resources should be shared more equitably.

In conclusion, the Green movement is a global movement for change - an idea whose time has come. Greens are represented in many Governments in countries as diverse as Brazil and Taiwan. Africa has 17 Green parties and the European Parliament in Strasbourg has 30 Green members. In Australia we have 12 elected representatives in State and federal Parliaments. As a Green representative I am committed to thinking globally and acting locally.

I am wholeheartedly looking forward to representing the constituents of the North Metropolitan Region, working with the broader community, fellow members of all political persuasions and parliamentary staff. I look forward to

working towards a Green vision - a vision for a revolution in attitude, a revolution in practices, and a revolution in ethics.

My personal commitment is to stand firm on matters of principle and work in a spirit of cooperation and openness. I thank members for their attention.

[Applause.]

**[Questions without notice taken.]**

**HON GREG SMITH** (Mining and Pastoral) [5.32 pm]: Mr President, I once again congratulate you on your election to your position. I am sure that you will preside over this Chamber in a fair and honourable manner. I also express my utmost respect for Hon Clive Griffiths, the retiring President. I watched with awe his ability to maintain decorum and dignity under extreme duress in his last few weeks as the President of this House. I thank all our parliamentary members for making me feel most welcome in the House. To other members who have just started, I offer congratulations and look forward to developing some sort of working relationship with them. To the staff in Parliament House, I offer my commendations for their pleasant nature and willingness to be helpful at all times. My particular thanks are due to the Liberal Legislative Assembly candidates from the Mining and Pastoral Region - Rod Sweetman, Barry Haase, Dominic Palumbo, David Parker, Karen McGay and Don Green. The hard work of these candidates and their campaign teams had a direct influence on my electoral success. Without the support of my wife, Marina, who is sitting at the back of the Chamber, who has had to endure long periods without her husband, I could not have achieved what I have now.

I will comment on how pleased I am to be here. I consider it to be the highest honour a person can have bestowed upon him. I will make every effort to uphold the honour and integrity expected of members in this House. From what I have been reading in *The West Australian* over the last few months, I feel fairly important because it has been quite obvious that until I arrived here no democratic decisions could be made. I am here now, and so democracy is back!

On a more serious note, I look forward to the challenge of negotiating legislation with the minor party members. I appeal to them to, please, come and see me or some of my colleagues, because we might be able to figure things out in a five minute conversation rather than go into lengthy debate here in the Chamber.

All solid institutions are subject to change and the Legislative Council is no exception. Ten years ago the voting system was changed to include proportional representation, and the new political composition in the Chamber is the inevitable if not the designed composition. Members like me have to cover a far greater area now than under the former province system. What should not change is our responsibility to the people who elect us and the cooperative and tolerant conditions of this House.

The Mining and Pastoral Region that I now represent can only be described as enormous. It consists of all of Western Australia outside the wheatbelt, and there is even a bit of that in it. The diversity of the region is equally enormous. There is the mining of iron ore, gold, nickel, copper, salt, numerous base metals and diamonds, and the extraction of oil and gas. Horticulture produces sugar cane, melons, bananas and grapes. There is an emerging cotton industry and the production of numerous other food crops. The fishing industry also makes a considerable contribution with the harvesting of prawns, scallops and numerous fin fish. Of course, the pearling industry has been established for a long time in the north. A tourism industry provides a large amount of employment and makes a major economic contribution to the region. This industry will continue to expand if the infrastructure is put in place to assist in travelling, by road or air, the vast distances between attractions.

The pastoral industry, in which I have been directly involved, is the longest established industry in the region. It is going through an extremely difficult time. Wool prices have been seriously depressed for seven years and cattle prices are very low. One of the only bright prospects is the live cattle trade to Indonesia. As only cattle with a high level of bos indicus blood are taken, not all producers are able to reap the benefits of this market. However, the live cattle market is one that should be nurtured, expanded and secured as it will go a long way to making the pastoral cattle industry a long term, economically viable prospect.

On reading the maiden speeches of Hon Norman Moore and Hon Phil Lockyer, who has now retired, I found it ironic that most of the issues raised then are just as relevant now. On the positive side, nearly everybody now has access to television and telecommunications; the road network has improved marginally; and the distance education unit set up by our Leader of the House when he was the Minister for Education has moved the School of the Air into the twenty-first century. On the down side, the introduction of the fringe benefits tax has decimated the mining towns with the introduction of fly in, fly out and 12 hour shifts and we must try to find a way to turn this around.

Native title has almost ground the region to a halt and can only be considered as one of the most divisive and destructive pieces of legislation ever to be thrust upon us. It has divided black and white, and it is even dividing the

Aboriginal community, as there are many overlapping and conflicting claims. It has totally destroyed investor confidence in the whole region. We now have the major mining companies spending more on exploration overseas than they do in Australia. The development of the Ord to its full potential has been hamstrung for the last five years. Some 150 000 acres of agricultural land is ready for irrigation at the Ord River. It has not had a sod of dirt turned on it. It cannot be opened up. Even the development of residential and commercial property has been halted as native title encroaches on our regional towns. I am afraid the cost of this fiasco to Western Australia and Australia will never be known and probably even less appreciated. To give an example, I was in Leonora last week. The Leonora Shire Council estimates it has lost \$300 000 in rates in the last 12 months due to mining tenements that could not be taken up as they had native title claims pending. These are not just problems for the people who are directly affected; they strike at wealth generation. As such they strike at every Australian home. Not least they are a threat to the people who supposedly benefit from them - and I refer to Aborigines, not the legal profession. Aboriginal people will not be enhanced by national impoverishment, as poor countries can never provide social justice.

I find ironically amusing the damage that is done by many of the metropolitan based do-gooders who get a bee in their bonnet about certain issues and formulate a policy with only half the information. How proud must all the people be who had the Aborigines dragged off the sheep stations and into town because they thought they were being exploited and then gave them a pocketful of money and nothing to do. The end result was inevitable. People from all races congregate together and have a few drinks in their leisure time and now we can see the consequences of people having too much leisure time.

What about the animal liberationists that destroyed the fur trade? We once had a small industry and an export income from fox and feral cat skins. However, that has been destroyed and they now breed and multiply unchecked. These two species have accounted for the extinction of more of our fauna than any other species. Every conservationist should be wearing a fox skin jacket to show just how much he or she cares for the environment! In *The Bulletin* the other week, Jeff Short from the CSIRO division of wildlife and ecology said that the clamouring of United States' animal liberation groups over Australia's culling of kangaroos diverted valuable scientific resources from projects directed at animals that were headed for extinction, as intensive surveys have been made of kangaroo populations to prove Americans wrong. He said that all this time and money were being spent on an abundant animal doing very well, while a whole suite of medium to small size mammals nobody had ever heard of were headed for extinction. I appeal to the Greens, therefore, to please listen to the other side of every story and to not operate with tunnel vision because the more affluent a country is, the better it can serve the environment. Brazil is an example of that.

I return to the Mining and Pastoral Region. One thing I have noticed about the demographics of the region is that there are more men than women. It is not a small imbalance; it is a difference of nearly 8 per cent. There are also very few people over 45 years of age in the region. What conclusions can I draw from that? The way I look at it is that Queensland is the retirement State for people in the east and our north west coast has a very similar climate. Therefore, there is every reason to believe that if the infrastructure were in place and the cost of living comparative, places like Carnarvon, Exmouth, Onslow and Karratha would become vibrant retirement destinations for what will be a fairly affluent ageing population. The most important publicly funded infrastructure required for this to happen is the provision of good medical facilities. Golf courses, bowling greens and all the other things that people want will come by natural evolution.

As to the imbalance of males and females, it is obvious that measures have to be adopted to get families back into the mining region. The Government has to take responsibility for making sure that women can enjoy a similar quality of life in the bush as they do in the city. I am aware that this will cost money. However, we cannot keep siphoning off money to the metropolitan area. The imposition of a gold royalty is a classic example of that. It will take 10 years' worth of gold royalties to build the Northbridge tunnel. If all that money came back to the goldfields region, the residents of my area would have some of the things that city people take for granted. As long as I am in this House, I will be trying to achieve that, not by trying to justify it, but because we deserve it as this State's wealth is created in the mining and pastoral region.

That has covered some of the broader issues in my area. I now advise the House where I stand on some of the broader issues. I am unashamedly right wing. If I were not, I would be on the other side of this place. My father was a lecturer and had a PhD in sociology. Without realising it I became a student in the study of society. One thing I realised is that incentive is the most important criterion for motivation, whether it be physical or mental, and socialism tries to make all people equal. I come to this House as a Liberal with a firm belief in the right of individuals to make their own decisions and reap their own rewards. People who work harder or are smarter deserve those rewards whether they be financial or social. If that is not possible, they will do only what they have to do, not what they are capable of doing.

Our generous welfare system is an aberration of a prolonged socialist Federal Government and for many it is now a viable alternative to having a job. Social security was designed to provide a living to the unemployed, not to enable

people to maintain their present standard of living when they lose a job. I firmly believe that the traditional family unit is the most desirable environment for children to grow up in, and I am in no way belittling single parents. I would never expect a person to stay in a relationship in which he or she is subject to physical or mental abuse. However, the Government should provide assistance and encouragement by whatever means to couples in crisis, and separation should be viewed as the last option, not the first. The more families that can be kept intact and healthy, the better it will be for all of us.

The Aboriginal industry - I emphasise the word "industry" as many individual Aborigines are trying very hard to improve the conditions and lifestyles of Aborigines who do not come under this umbrella - consumes massive amounts of money. Nearly all the Aborigines that I know are no better off than they were 10 years ago. I am prepared to accept anyone, regardless of race, religion or colour, as an Australian if their agenda is to help this great country of ours grow and prosper. However, the Aboriginal industry's agenda seems to be the exact opposite. It is preventing potentially lucrative mineral deposits from being mined; the Ord irrigation project is producing only 50 per cent of its potential; it is taking productive pastoral properties and making them unproductive; and it is putting obstacles in front of nearly every other proposed project. There seems to be unlimited money for lawyers, consultants and bureaucrats involved in the industry while the grassroots Aborigines struggle to receive adequate education and health care. It is a mystery to many people where all the money goes. Until this industry becomes fully accountable, it will be viewed with suspicion and disdain by many Australians.

Over the past week we have heard a lot of talk about the stolen generation. However, we have heard very little about the fact that most of the successful Aboriginal people that are now fighting the cause for their ilk in a very articulate and educated manner are products of this historical injustice. It is worth placing on the record that some good came from this policy. When I asked a well-educated indigenous friend of mine how he felt about being taken from his family, he said he was glad because if it had not happened he would be an unemployed alcoholic living in Meekatharra. Therefore, it is true that every cloud has a silver lining.

As to the expectation of some that I should bear some guilt for the stolen generation, I ask all members whether all non-Jewish Germans are expected to carry the burden of the Holocaust for eternity. Any third generation Australian of non-Aboriginal descent must feel very confused at the moment. On the one hand they have been told to feel guilty and to take responsibility for the actions of their great-grandparents and, on the other, they are told to forgive and forget the fact that many of their family members in the past fought and died to protect Australia from Asian invasion and we must welcome them with open arms. The hypocrisy of that is unquestioned. My opinion and policy on this subject is that present Australians, including me, bear no guilt and hold no animosity for the actions of previous generations and we should all be able to get on with our lives together.

Another thing that we must have a long hard look at is the treatment of boat people. Whether they are economic refugees or illegal fishermen, the moment they enter our waters they have demonstrated a disrespect for our laws. Anybody who looks at a map of the world can easily see it is no accident that they have drifted into our waters and onto our coast. When they get here we feed, clothe, house and pay them better than they have experienced before. I have said that incentive is the motivator; however, the opposite is also true. I would not call our current method of operations a deterrent. As soon as they are caught we should sink their boats and put them on the first flight home. Any human rights activists who want to take up the violation of their rights can go back with them and take up their case in the country the boat people came from. We have many people in the region who migrated to Australia some years ago who are trying to get permission from authorities in order to reunite families; in particular, Australians from the former Yugoslavia who may have close family members who cannot secure migration despite the war that has devastated their lives. Even though they have followed all the correct channels and have offered to financially support the immigration of their family members they have been unsuccessful. I can imagine the disillusionment and resentment these people must feel when they see people who have turned up uninvited and have violated all the laws to get here being accepted as migrants. Even if they are unsuccessful there appears to be no shortage of legal assistance made available to them. If some Australians honestly believe these people should have access to lawyers - a luxury these days - let them, not the public purse, provide it.

It is very easy for urban people to demand that all state electorates in both Houses of Parliament accord with the principle of strict equality of enrolments or, to give it its popular name, one-vote-one-value. They forget there is no equality of access to representation from a member of Parliament in the next suburb to one hundreds of kilometres away. While the electoral system needs to be changed from time to time, I can assure this House that the people of the Mining and Pastoral Region do not want to lose half their members in the Legislative Assembly and, effectively, their MLCs, who could disappear into some vastly more populous region. A number of local councils in the region have made their opinion on this matter clear and we do not see one-vote-one-value bringing fair representation, but quite the reverse.

We heard from other members in their maiden speeches that there is a perception that the State's economic boom in the north is not filtering down to the metropolitan area. Well, let me tell them that this could not be further from the truth. For instance, the entire hot briquette iron plant is being fabricated in Perth and constructed in Port Hedland. The Great Northern Highway has on it a constant stream of trucks heading north and they are loaded with transportable homes, construction equipment and other goods too numerous to mention. All this is providing enormous employment in the metropolitan area. If that was not the case, all the people who are now working in Port Hedland would probably be in Perth, unemployed.

In conclusion, I would like to make it clear that I am not here to represent any minority group. I will leave that to members opposite. I am here to represent the silent majority; that is, all the people who are getting on and working to better themselves and make a decent life for their families. The one thing I would like to make quite clear is that I am not a Fabian, fascist, socialist, sexist, racist or bigot; I am a realist. Some members may have a problem with that. Reality is not always what we would like it to be, but it is only through facing up to reality that we can build a better lifestyle and a better State. Fortunately, if we cooperate together we have the power to change it for the better for all Western Australians.

[Applause.]

*Sitting suspended from 5.54 to 7.30 pm*

**HON KEN TRAVERS** (North Metropolitan) [7.30 pm]: Mr President, I begin by offering you my congratulations on your election and congratulating Hon John Cowdell on his election as Deputy President. I am confident you will both serve in your new positions with distinction and I look forward to your advice and guidance during my time in this place. I also take this opportunity to thank the staff of Parliament House for their support and help to this stage.

Like most members who have stood here before me, I am honoured and humbled to have the opportunity to serve in this place. To the electors of the North Metropolitan Region who supported the Australian Labor Party on 14 December, thank you. I assure them I will do my best to fulfil the trust they have placed in me and my party.

All members should appreciate that election to this place requires enormous support and effort from many people within political parties. To the hundreds of people who worked on ALP campaigns throughout the North Metropolitan Region at the last election, I say thank you very much. I am particularly grateful for the efforts of the ALP candidates who unsuccessfully contested Legislative Assembly seats in the region. Without wishing to diminish the efforts of any of the others, I especially mention the contributions of Nick Catania, Dianne Guise, Ann Barrett and Liz Prime. Their efforts were tremendous and I hope they will consider running again in four years' time for I am sure they will be successful at that time.

We all have special people who have helped us by providing their advice, support and encouragement during our political involvement. In my case, three people deserve special mention: Senator Chris Evans, Hon Cheryl Davenport and Roger Cook. Senator Chris Evans has given me great support and encouragement for many years. For the last three and a half years as a member of his staff I have had the opportunity to learn first-hand from his knowledge and skill. Hon Cheryl Davenport, as well as providing excellent support and advice, is a good friend and I am proud to join her in this Chamber.

I first met Roger Cook around the time of the formation of the National Union of Students, in which Roger was instrumental. In recent times Roger and I have worked together at Senator Chris Evans' office. Roger will make a great contribution to this State and I look forward to the opportunity of returning the support and friendship he has given me over the last 12 years.

There are, of course, numerous other friends, many of them in the Public Gallery tonight, whom time does not allow me to mention. I appreciate their friendship, encouragement and support.

My first involvement in the labour movement was as a rank and file trade union activist. I would, therefore, like to acknowledge the support of the members and officials of the trade union movement for the Australian Labor Party and myself. I particularly thank my own unions, the Community and Public Sector Union and the Public Transport Union. I also acknowledge the support of the Australian Manufacturing Workers Union, the Australian Liquor, Hospitality and Miscellaneous Workers Union and the Maritime Union of Australia, with which I have been closely associated.

Last and most importantly, the support, encouragement and love of my parents, my family, my partner Trish and her family are instrumental in my standing here tonight. Thank you, each and every one of you, especially my partner Trish.

Following the last election a number of ALP members are no longer in Parliament. They all made significant contributions. To Doug Wenn, Graham Edwards, Kay Hallahan, Yvonne Henderson, Paul Sulc and Judyth Watson



go my best wishes for the years ahead. I will mention later the contribution Graham Edwards has made in the North Metropolitan Region.

I make special mention of Val Ferguson. I had the privilege of working with Val at Senator Chris Evans' office and I regret that I will not serve with Val in this place.

Tonight I will consider some of the challenges facing this State and where possible put them into a north metropolitan context. Hopefully my speech will give members an insight into some of my past experiences and the perspective from which I seek to find solutions to our problems.

I begin by looking at some economic issues. There is no economic issue more important to society than the elimination of long term unemployment. While we all work towards the goal of achieving full employment we must also ensure people are not left unemployed for long periods of time. It is extremely difficult to exit the cycle of long term unemployment once people enter it. A society as wealthy as ours has no excuses. Training and retraining people - which I do not believe has to be the case - is still better than our current situation. The plight of the unemployed is a concern I share with one of my predecessors in the North Metropolitan Region, Hon Graham Edwards. In his inaugural speech he raised the challenge of addressing unemployment, particularly amongst the young, when he said -

Unemployment manifests itself in all age groups, but it leaves its particular scar on the youth of this nation, many of whom feel they have been made redundant by society before ever having the opportunity to become useful.

He went on in his speech to say -

They must come to know that they have a stake in the future of this nation; they must come to know that the aims and ambitions they hold for their futures are achievable. We all have a responsibility to share their challenge. To do otherwise is to cast a whole generation adrift.

I wholeheartedly agree with Graham Edwards' comments on this issue.

In the current Federal Government's first year of office the list of long term unemployed rose by 44 000 people, despite the nation experiencing economic growth. Contrast that to the last year of the former Federal Labor Government which had a reduction in the list of long term unemployed of 45 000. It is a national disgrace; but it is not only about lists, it is about thousands of individual stories of human tragedy. In Parliament and government one has the opportunity to be involved in shaping the big picture, but it is important that we never forget the view of our policies from an individual's perspective.

Last Friday I attended the tenth anniversary of a group called Northern Suburbs Youth Options. It also marked the opening of their new and larger premises. Northern Suburbs Youth Options is an extremely successful program which has helped many young people in my electorate with their employment and training needs. It began as a one person show, with Beryl Moore, working out of a back room of Graham Edwards' electorate office. It now has the respect of business, education institutions and the wider community. Its success can be attributed to many people, but none more so than Graham Edwards and Beryl Moore. I mention Northern Suburbs Youth Options as an example of how as members of Parliament we can become involved in and contribute at the local level to help individuals, and not be preoccupied with just the big picture. That shows how Graham followed up the comments in his inaugural speech with local action. It is the model of getting in and making a difference that I wish to pursue in politics.

Another economic problem that is exacerbated by high levels of unemployment is affecting working people; namely, job security, or lack of it. I am sure some would argue that the fear of losing their job will motivate people to work harder and to be more productive. Although this may be true in the short term, over a sustained period it will lead to a deterioration in the quality and productivity of a person's work. Members do not have to talk with too many people in the community to know this is the case. I accept that the globalisation of the economy means we all must accept change, but it must be done in a compassionate manner. I believe the culture of a job for life has played a part in the success of the Japanese economy.

The Government must start to show leadership on this issue. Take, for example, the area for which I currently have opposition responsibility - water resources. Even though Water Corporation employees were able to do work cheaper than private contractors, work was given to private contractors. Long term employees of the organisation were given redundancies or forced to work for the private contractors. Decisions like this cause massive harm throughout the public sector and workers say, "Who cares? Whatever we do they will still get rid of our jobs." People must feel that if they work hard and do their job properly, their job will be safe. It is up to Governments to set examples to the private sector in this area.

I will speak about two issues that contribute to the nature and form of our urban society - public transport and the development of regional centres. As a former Transperth bus operator, it is appropriate that I consider public transport first. In the "Plan for the Metropolitan Region Perth and Fremantle Western Australian 1955 Report" - often known as the Stephenson report - a great deal of importance was placed on the need to increase the use of public transport, particularly into and out of the central area. Members may be surprised to know that contrary to popular myth the report considered it essential that the railways should carry greatly increased numbers of passengers to and from the central area of Perth. There were calls for two new passenger railway lines; one from Daglish to Whitford, and another from Bayswater to Mirrabooka. It was envisaged that these two new lines and other measures to coordinate public transport would result in an increase from the then 3.5 per cent of workers commuting to the city by train to 22 per cent by the time the city reached a population of 1.4 million people. We are very close to that population now. The report made the point that this figure would still be only half of the 44 per cent of Melbourne city workers who commuted by train. At that time Melbourne was already a city of about 1.4 million people.

Unfortunately, these proposals were dropped before the Stephenson plan was given legislative effect in 1963 through the metropolitan region scheme. Thankfully, in the late 1980s the then Labor Government resurrected the idea of a northern suburbs railway line and we now have a first class service to the region. The Stephenson report was the result of concern at the time about growing traffic congestion in the centres of Perth and Fremantle. Today we still face the problem of increasing congestion in the central area, but now have the added concern of environmental and health problems due to our reliance on private passenger cars. Recently two reports were released - the Perth photochemical smog study and the Perth haze study. Both reports highlight that Perth has a major problem with its air quality, which, if not addressed urgently, will lead to long term health and environmental problems.

It is worth noting that this is not a new problem. On 30 April 1971 the *Daily News* in Perth carried the page 2 headline: "LA style smog in Perth yesterday". The Government has started to address both traffic congestion and air pollution. I congratulate it on what it has done so far, but a lot more still must be done.

I accept that public transport alone is not the answer. There are many other parts to the solution. There are things we can all do, such as using gas powered vehicles. I take this opportunity to say to the Minister for the Environment that if she needs a guineapig to trial gas vehicles in the government fleet, she should pick me. I had already started to make inquiries about getting a gas powered government provided vehicle prior to the Minister's announcement.

I return to public transport. I urge the Government to push ahead harder and faster in the general direction outlined in the metropolitan transport strategy, but also I ask the Government to reject the recognition in the strategy that cars will remain the dominant form of urban passenger transport in metropolitan Perth for the foreseeable future. We must overcome this mentality, especially for people commuting into and out of the central area of Perth each day. We must make public transport an attractive alternative for them. We must push forward now and not let the opportunity slip away, as it did 40-odd years ago. We must ensure a cultural change in our thinking: No more tunnels. What a missed opportunity this was to use our capital effectively. We should start this new culture by ruling out the suggested interchange on the Burswood highway at the Belmont Park Racecourse. The area already has excellent public transport access. Let us give public transport an advantage over the car.

The extension of the northern suburbs railway line to Clarkson, a new line to Mandurah and a new line to Ellenbrook must be brought forward as priorities. Members might find it unusual that a northern suburbs member is arguing for a southern railway line, but I will come to that issue later. The reserve for a railway line to Ellenbrook, which was added recently to the metropolitan region scheme, at least in part, follows one of the lines originally suggested in the Stephenson report in 1955. Further, we must ensure that as people move into new areas, they get into the habit of using public transport. All too often new subdivisions open up and people move in and it is not until some time later when there is a quantifiable demand that a decent bus service is introduced. We have recently seen this in the Clarkson-Merriwa part of my electorate. In an article entitled "Public Transport and Urban Growth" in *Western Landscapes*, J. Selwood points out that prior to 1966 the old Metropolitan Transport Trust was experiencing declining levels of patronage. He gives the credit for a reversal in this trend to an aggressive policy by the then MTT to extend services into new subdivisions as they opened up before there was huge demand. The intention was to get people into the habit of using public transport from the start. We must adopt this approach again. Many places around the world are moving towards providing high class public transport systems for their citizens. Why? It is because they acknowledge that the use of public transport is something to be encouraged and that we all - not just the user - benefit from public transport patronage. I hope that during my time in this place we, too, will move in this direction.

I am most disturbed by the recent state Budget and comments in the annual report of the Department of Transport that suggest we are likely to see further increases, rather than decreases, in fares. Selwood points out in his article a number of occasions in the 1960s and 1970s when fare increases resulted in decreases in patronage on bus and train services. There is a clear link between price and usage. I can hear the calls: How can we afford this? The

metropolitan transport strategy recognises that road users benefit from public transport through reduced congestion on our roads. Most road congestion occurs during peak hours when city workers are travelling into and out of the central area. In most cases those people have access to the public transport system, which is focused on the city centre - and if they do not have that access, they should have.

An option we could consider is to place a levy on parking space in the central area of Perth. Funds from this levy would provide extra money for improving our public transport system, educating passenger car commuters about alternatives and other measures that take pressure off the city centre. It would not be too dissimilar from making smokers pay the cost of encouraging them to stop smoking. Not only do commuters require the Government to spend money on building expensive road systems, but also their pollution is adding to the overall health costs. A parking levy would target those people, including members in this place, who have an alternative to using their cars. It would not affect commerce or people travelling to regional areas not adequately serviced by public transport. It would make people appreciate that passenger car use, when public transport is available, is a luxury. I believe it is an issue worth considering.

I now turn to regional centres and the role they should play in our urban planning. Again, we can find the basis of Perth's regional centres in the 1955 Stephenson plan. It argued for a clearly defined limit to urban growth, and stated that growth beyond this should be in separate and complete entities within the region. In the late 1960s the Metropolitan Region Planning Authority developed this concept further with what is now known as the corridor plan. This plan would see Perth grow along defined corridors separated by rural and recreational land. Within the corridors would be self-contained communities, clearly separated by public open space. It is from this plan that the current regional centres of Joondalup, Midland, Armadale, Fremantle, and Rockingham, and the future centre of Alkimos have developed. Like the original Stephenson plan, the corridor plan envisaged that within each region or district there would be neighbourhoods or communities, each with residences located around local schools, shops and community buildings. The aim was to ensure people had easy access to these facilities, reduce their need to travel and help develop a sense of identity and community.

My concern today is that these well thought out plans have run off the track. Firstly, we have seen haphazard local neighbourhood development that does not conform to the original concept. In the North Metropolitan Region, areas such as East Marangaroo still do not have a local primary school. The 1962 metropolitan region scheme report recommended primary schools with up to 450 pupils, none of whom would have to walk more than half a mile to school. Primary school students in East Marangaroo would be grateful if they had to walk only half a mile to school; the nearest school for many is 5 kilometres from home. Haphazard planning in the northern suburbs has also occurred with respect to shops and other commercial buildings. If sound planning criteria did not guide the development in the City of Wanneroo, one can only wonder what did. I look forward with interest to the findings of the Wanneroo Inc royal commission. Perhaps it will provide some of the clues. I hope initiatives in the state planning strategy and the community code will improve the development of neighbourhoods. I will be watching.

Secondly, increasing land values have placed pressure on maintaining the open space inside the corridors. Currently, the last large block of land that could provide an open space between the Joondalup and Alkimos regions in the northern corridor is under pressure for development. The bushland north of Burns Beach is also unique in that it is the last remaining significant piece of coastal banksia bushland anywhere between Woodmans Point and Yanchep that is not currently zoned urban. The lack of a decent belt of open space north of Alkimos is a debate for another day. We must ensure this important bushland is saved for future generations. As Stephenson said in an address to the tenth congress of the Australian Planning Institute in 1968: "The next generations will never forgive us if we leave them endless built areas. We owe it to our forebears to emulate their valuable legacy of parks and recreational spaces." Stephenson was, of course, referring to the decisions of past generations to preserve areas such as Kings Park. In the gallery tonight are some of my nieces and nephews. They are part of probably the most environmentally aware generation in western society for many years. I hope when I grow old I can be proud of the way I left this State for them.

Another problem regional centres face is the lack of government commitment to making them work. Earlier this year there was debate in the media which suggested there was a war between the northern and southern suburbs. The argument was that the northern suburbs were receiving favourable treatment. This is not true. I could list many government decisions, or lack of decisions, which have hindered the development of Joondalup. The one negative factor holding back development in all regional centres is the Government's preoccupation with the central business district. Joondalup is not a threat to the development of the Rockingham region or, for that matter, Midland, Armadale or Fremantle. The Northbridge tunnel and the extension of the railway line to Rockingham require similar levels of capital expenditure. Which did this Government choose? It chose the tunnel in the central business district. When this Government made a bid for the Commonwealth Games, where did it locate all the activity? It was in and around the central business district. Although rents are climbing in the central business district, how many government departments have moved into the regions? Every other aspect of government expenditure is rigorously

examined for cost cutting measures. Why not this one? If John Howard can run Australia from Sydney, why cannot Western Australian Ministers run their departments from Joondalup or Armadale?

Recognising that the malapportionment in this place means there is an equal number of representatives from non-metropolitan areas, I assure those members that I realise there is also a great city-country divide in this State. I believe it, too, is an issue we must address, but not tonight.

In further support of my case, I refer to a speech by the current Minister for Planning, Graham Kierath, to a meeting of the Property Council of Australia, formerly the Building Owners and Managers Association, on 21 February this year. I am told that in his speech he made it clear to the meeting that should any matters involving the central business district and a regional centre come before him for a decision, the central business district would get his support. That is this Government's position; the central business district will always win over regional centres. Those of us in the regions, who are committed to their development, must ensure we do not fall for this Government's divide and conquer approach. We must work and lobby together to ensure a change in the Government's attitude. North, south, east and west must unite against the centre, and that is not an Australian Labor Party factional comment!

The other issue that requires brief mention in regard to the development of Joondalup, is that it is now time for the Government to start handing over control of the development of that centre to the local community and other stakeholders. Future decisions on the development require greater local ownership. As members will by now have gathered, I truly belong in the green belt with my environmentally conscious colleagues from the ALP and other political parties. I look forward with interest to discovering where the rust belt exists in the House.

Like Hon Simon O'Brien, I worked for the Australian Customs Service prior to becoming a member of this House. During that time I realised how futile our efforts were to stem the flow of drugs into this country. I in no way wish this to be taken as criticism of the efforts of the staff of the Australian Customs Service, who are a hard working, dedicated and professional group. Rather, it is the mammoth task we require them and other law enforcement officers to pursue that makes it futile. I am sure that every member of this House opposes the use and expansion of availability of drugs in our society. Too many people are dying, but we must find a new way to solve this crisis in our society. We must ensure we send the message to young people that drugs are dangerous and they should not use them. We must find a way to ensure there is no longer a profit motive which sees drug dealers encourage more people to take up drugs. Drug dealers are like any business people, they will try to encourage more people to use their products. They are different only in that once they have a hold on a person, it is hard to escape - except of course for Bill Gates. It is time to throw away the old system of using criminal penalties to address this issue. I have no problem either with throwing away the key for convicted major drug dealers. We must find a way of helping the users - the victims - in our health system and not in the courts.

Even though it is quite common for members on this side to do so, it was not originally my intention to discuss industrial relations in my speech tonight. However, I believe the events of recent weeks warrant at least some comment. The contents of and manner in which the Labour Relations Amendment Act passed through this Parliament has placed odium on this place. In the eyes of many, it has made this a place worthy of derision. I look forward to supporting a Bill to repeal the Act, and I remain committed to that cause.

A book detailing the history of this Parliament, *House on the Hill*, makes reference to a banner used at the time responsible government was granted in this State hailing "At last she moves!" The role and composition of this House over the past 106 years has meant that we have not moved very far in achieving democratic control of this place. Hopefully the recent change in numbers means that we will soon be able to use the slogan "Finally under way!" I hope it is a prosperous journey for all of us.

Last year when I explained to one of my nephews that I hoped to become a member of Parliament he responded that I must be a liar. His automatic assumption was that being a politician meant being a liar. That stung me. It had the effect of highlighting to me that the status, role and integrity of members of Parliament are under serious challenge in our society. We should all look seriously at this issue if we value our democratic institution.

I realise it is a complicated and difficult issue, but I make the following suggestions, which hopefully will start the process of restoring the community's trust in its Parliament.

Mr President, I begin by congratulating you on your decision to limit the wearing of the wig. Hopefully, as we enter the twenty-first century, that symbolises that our practices are not locked in the nineteenth century. Secondly, we must ensure that pay, conditions and superannuation of members of Parliament are on the same terms as those of all other public servants. We need transparency in our pay and conditions. Allowances such as our imprest account must either be done away with or, if members believe we are entitled to them, be included in our salary, on which we can then be judged. If a trip is a legitimate business expense, we can claim it on our tax, just like everyone else. Thirdly, we must ensure that those who work for us receive proper remuneration and have decent conditions in which to work. I was pleased to hear that the Premier is looking at that issue.

Fourthly, we must be careful about how we use public money. The government advertising campaigns in relation to the labour relations amendment legislation - especially the one prior to the legislation's passing through this House - are nothing short of government propaganda and the electorate knows it. If a Government cannot get its message across through the free media and gain public support for its legislation, it should drop it. To use taxpayers' money to convince taxpayers they are wrong does politics no good. We will need the media's support on this issue and it will need to show greater responsibility in reporting.

We must introduce public funding of election campaigns and ban private donations. The cost of running election campaigns continues to increase. We must remove the perception of donations for favours. Many might see a contradiction in my previous two statements, but I do not agree. Spending money on a one-sided campaign is seen as unfair; providing money to ensure the integrity of this place is completely different. Finally, we must ensure that the laws we make can be upheld and that they apply as equally to us as they do to others, and that we ourselves uphold them.

Since my election to this place I have discovered that my great-great-grandfather, Edward Ogilvie, was a member of the New South Wales Legislative Council last century. I have also discovered that I am related to Jessie Street, a well-known feminist, peace activist and international lobbyist earlier this century. Both were recognised as people with an enlightened attitude towards Aboriginal people for their time. It is fair to note that many would today judge their views as paternalistic or patronising. I hope that I will be seen as someone with enlightened views for my time. I am committed to the process of reconciliation with the traditional owners of this country.

As members no doubt have realised by now, I support an interventionist role for government in our society. I believe that those who argue the contrary are hypocrites. I have yet to meet anyone who does not support some form of government intervention; it is a necessary and important part of our society. The question is how much and on what issues we intervene.

I look forward to the future with great optimism. I hope I will be a member of this place for some time, but not too long. Most importantly, if I am fortunate enough to be re-elected, I hope it will be to a House that is part of the democratic system of the Republic of Australia.

[Applause.]

**HON CHRISTINE SHARP** (South West) [8.05 pm]: Mr President, I address the Council for the first time.

I feel very privileged that so many people from the south west have put their trust in me to become a member of this historic thirty-fifth Parliament of Western Australia. I hope that I will be able to live up to the faith that has been placed in me and that I will rise to the challenge of being able to keep my own integrity intact while caught up in the whirlwind of community, media and parliamentary pressure that bears down on all of us.

The main work I wish to undertake in my time in this Council is to foster the notion of ecologically sustainable development. I believe it is an idea of fundamental significance to Governments throughout the world and, in particular, exactly the kind of work that this Council should address if our debates are to be of relevance to the great questions of our time.

I will touch on the work that I have pursued before entering this Parliament; that is, practical work that has focused on seeking to foster ecologically sustainable development in Western Australia. I am referring to my work at the Small Tree Farm, my home in Balingup where, with my partner Andrew Thamo, I have spent many years researching tree farming. Of course, anything to do with trees tends to take years. We have been battling on the farm for almost 20 years since changing course in the mid-1970s from being forest conservationists and city activists to taking a more proactive and practical direction. We decided back then that we wanted to get away from the reactive critique that makes much environmental work quite soul destroying.

Many people who know about this work have wondered why on earth we called our place the Small Tree Farm. It is true that our property is small by today's standards, but that is not the reason. In 1977, just before buying our farm, I had the honour of bringing Dr E.F. Schumacher to Western Australia to make a film about the plight of our native trees, both clear felled in the forest and overcleared on farms. The film is called "On the edge of the forest", and I will make a copy of it available in the Parliamentary Library should other members wish to look at it. The film turned out to be Fritz Schumacher's final statement, because he died a few weeks after his working visit to Western Australia. I dedicate this speech to him because his ideas continue to inspire me and many other people throughout the world. Some members might be familiar with Schumacher's work through his best selling economics book *Small is beautiful*. Hence, we came up with the name of the Small Tree Farm.

Our work on the farm has been following in the work of Schumacher's economic ideas. Dr Schumacher was a seminal thinker. For example, he was the first person to make a distinction between renewable and non-renewable resources. Just a few decades later, this concept has become so commonplace, it is hard to imagine its absence.

Schumacher's critique of conventional economic thinking was profound, and today it is as timely as ever. I will quote a little from *Small is beautiful* which states -

. . . one of the most fateful errors of our age is the belief that the problem of production has been solved. This illusion, I suggested, is mainly due to our inability to recognise that the modern industrial system, with all its intellectual sophistication, consumes the very basis on which it has been erected. To use the language of the economist, it lives on irreplaceable capital which it cheerfully treats as income. I specified three categories of such capital: fossil fuels, the tolerance margins of nature, and the human substance. Even if some readers should refuse to accept all three parts of my argument, I suggest that any one of them suffices to make my case.

At the time I met Fritz Schumacher to invite him to Western Australia, he had become greatly interested in the economic potential of tree crops for the future wellbeing of this planet. On our farm, that has been our inspiration, too. For instance, our latest research - the fat eucalypt project - is developing new strains of eucalypt which are amenable to an agro-forestry silviculture, capable of producing high quality hardwood saw logs in revolutionarily short rotation lengths.

We hope this work will make a positive contribution to rural areas with a dynamic land care industry, to help the plight of the farming community by providing a more labour intensive and high value tree crop than Tasmanian blue gums and a design of farm forestry which sits more compatibly with traditional farming pursuits, so that the fabric of rural communities is embellished, rather than depleted by intensive tree cropping.

The economic misfortune of the farming community is horrendous. Australia has already lost 200 000 farmers in the past 20 years. It is still losing them at the rate of 30 family farms going under each week and, apparently, the federal Minister for Primary Industries and Energy, John Anderson, tells us that another 24 000 farms are unlikely to survive.

Despite the monetary value of our agricultural production being \$4.3b a year, we are losing topsoil at the rate of at least a tonne per hectare per annum; we are facing the loss of between three million hectares and six million hectares of farm land to salinity - that is, between 25 per cent and 40 per cent of the entire landscape in some valleys; and our rural communities face great hardship. This is where the work of ecologically sustainable development begins; not in airy-fairy idealism, but rather in confronting the hard-core problems of our time.

Many members will know that the term sustainable development was coined by the World Development Commission on Environment and Development, known as the Brundtland Commission after its female chairperson, Ms Gro Brundtland, the former Prime Minister of Norway. Its famous report entitled "Our Common Future" was published a mere 10 years ago. Around the same time in my region in the south west, before the formation of the Greens (WA) party, which I now have the honour to represent, in our small way we were inventing the same type of approach when we fought the 1989 state election on a platform which I developed for our candidate Louise Duxbury entitled "Green Development". I thought we were being original, only to find that the United Nations had beaten us to it. The most oft quoted definition of sustainable development comes from the Brundtland Commission. It states -

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

A distinctly Australian contribution to the international sustainability debate has added the additional ecological refinement to the sustainable development concept. It serves to remind people that there can be no sustainability without an ecological component. This expanded concept was the foundation of the Labor Government's process of devising a national strategy on ESD formalised in 1992. This federal process continues through an intergovernmental working group.

Some of the key working elements used in sustainability work throughout the world include managing human impact on the biosphere to a level that is within carrying capacity; maintenance of biodiversity; intergenerational equity; social and global equity; the precautionary principle; limiting the use of renewable resources to rates of renewal; and incorporating natural resource and environmental values into economic accounting.

All these notions are contained within the one phrase - ecologically sustainable development. When we refer to the word "ecological" in a phrase, we are talking about caring for the place in which we live. As a member for the South West Region, I stand in this Chamber not only representing 140 000 human beings, but also as the member for the jarrah forests, the tingle trees, the wildflowers, the wetlands, the wading birds, and all the community of species and

life processes which make up the ecology of that beautiful region. What is occurring is an expansion in the notion of political representation. As our sensitivity to our place is growing so, too, is our awareness that we must respect the biological integrity and the assimilative limits of our environment. In the simplest of terms this means that in the long term we cannot take more from the country than it can produce, nor put upon it more than it can receive.

We all know that this is not the case presently with the land, water and air of our State. The severity of the environmental problems which we face are, in fact, hard to face. Many people prefer to switch off from the enormity of environmental degradation, both local and global. Others are exactly the opposite; they cannot switch off. Many Western Australians actually live with a pervading sense of despair. Others are different again; for them the environmental problems which we face are a source of resolution to action and empowerment. I suppose more usually all those different reactions are to be found within the individual person at different times.

How do members feel when I reel off a list of some of the more intractable problems? For instance, despite all the government programs and private effort, approximately two and a half times more land is being cleared than revegetated in Australia. Did members read last week that Australians make the third highest carbon dioxide contribution per capita to global greenhouse gases? Do they know that 22 per cent of all the remarkable diversity of Western Australian plant species are listed as threatened or in need of special attention; that commercial fishing from trawling Western Australian waters kills and dumps between about 80 per cent and 90 per cent of the catch as non-target species? It is just wasted. Do members know that about half the logs taken from our hardwood forests are reduced to woodchips and of the less than half which are milled, only about one-half of the clear trunk is converted into useful timber? Do members know that 75 people die in Perth each year from health conditions caused by poor air quality? That puts air pollution on a par with heroin and road traffic accidents as a killer in our society.

Have members switched off yet? If members would prefer to sit quietly digesting their dinner rather than listen to all these grim facts they should remember that the food they ate - if it was grown in Western Australia - was probably sprayed four times before it got to their plates.

The second of these three meaningful words is sustainable. Sustainability is about time. It is about living as if there is time. On her recent visit to Western Australia Joanna Macy talked about how the modern world is in fact behaving as if it were atemporal. As for the past, we have abandoned the traditional wisdom of our elders; but what of the future? Our political and economic decisions are so notoriously short term that if one calculates further ahead than three years one is considered a visionary - further than 10 years and one is dismissed as a loony.

Here I must make a complaint about the current Government. Although I will be very conscious not to blame the Government for this whole big picture, my complaint is about the speech that I heard on 6 March that the Governor had to read out at the opening of Parliament. It was in a time warp. It was as if the Government were cheerfully ignorant of the horrendous problems that we face, as if it had no inkling that almost all of the economic development activities of which it is so proud are of questionable sustainability. Whether Major General Jeffery agrees with what he was obliged to say is not the issue, my question is rather: When are we going to stop denying economic development which disregards environmental values or social equity does not deserve to be called progress? It is development without a future. Many would say it is going backwards.

For instance, it is now generally considered that the availability of cheap oil supplies will peak within about five years and after that it is estimated that every 25 years oil supplies will halve. Yet we design our cities as if the age of oil is timeless. However, in 25 years' time we will sorely miss the oil that will be burned motoring through the infamous Northbridge tunnel. It may be needed for harvesters if we are still mechanically to crop wheat and vegetables.

The only Western Australian industry that has even begun to talk in terms of sustainability is the timber industry. This is only because of constant pressure for 25 years from the green movement. However, when one analyses beyond the rhetoric, this Government's Scientific and Administrative Committee 1993 report chaired by T. Meagher under conditions set pursuant by the Environmental Protection Act into the allowable cut in the jarrah forest reveals that even on the most charitable of reckoning we are currently cutting down the jarrah forest at a rate that is 67 per cent above its sustainable yield. My own calculations in this regard suggest that we need to reduce the allowable cut to at the very least one-third in jarrah and to one-fifth of current rates in the karri forest systems. In my report on sustainable forestry "Using the Forest" published by Murdoch University in 1995 I quote the comments of a retiring Bunnings mill manager a few years ago when he told the local Manjimup newspaper that -

We've seen a few changes over the years. When I first started we were cutting between five and six logs per day to produce 150 cubic metres of sawn timber. These days we still produce 150 cubic metres but we have to do eighty to one hundred logs to do the same volume.

That is the history of the timber industry in a nutshell. In the past decade this overcutting has intensified. No wonder that people are camping up trees at Giblett block!

Development is the last term in the ESD trio. Development is about change, and change is about life. Development does not have to mean unlimited growth - growth of population, production and consumption. Unlimited growth is incompatible with the earth's assimilative capacity. Nevertheless, all six billion of us produce, populate and consume. What change is required in the direction of our production system so that it can cater for this scale of demand within the context of diminishing resources and overloaded environments? I remind members of the quote from Schumacher, "The problem of production has not yet been solved."

What do we value? What direction do we want to move towards? Members must remember that we are facing a challenge not just of an era, but of our civilisation. Hardly any human society to date has achieved a sustainable society. The fact that humans have continued to proliferate in the past has largely been due to the fact that we were able to move on to exploit new wildernesses. Now there are no new frontiers. In his book *A Green History of the World* the British historian Clive Ponting maintains that the only human societies which have continuously occupied and lived off the same piece of country are the Chinese and the north west Europeans. However, in both these cases sustainability has been linked to colonial expansion.

When it comes to learning to live within our long term environmental limits the indigenous people of Australia must command our greatest respect. When the Aborigines first settled this continent they caused widespread impacts on the flora and fauna and a wave of extinctions of the mega fauna. However, after this initial wave of degradation they have successfully conserved the ecology of this land for between 60 000 and 120 000 years. That is a remarkable achievement. Let us hope that we can do as well as they have done. A good place to begin is by listening to them and to their knowledge about the management of this country.

Where is this Legislative Council at? Is it comfortably complacent, untouched by the human story, deaf to the call of the future, or rather is it caught in the disempowering web of politics and traditional policies, unable to respond? Is not it time that members of the Legislative Council of the changing millennium undertook some of the most significant and independent work that a House of Review could do - that is, to encourage the Government to look to the longer term?

Shortly, as my colleague Hon Jim Scott has given notice, we will be proposing the establishment of a new standing committee on ecologically sustainable development to take on our share of the work this State desperately needs. Here is an opportunity to bring the work of this Council to the forefront of contemporary concerns and to provide a role relevant to the high community expectations of this new upper House. This is an exciting opportunity for us all. Ecologically sustainable development is one of the most dynamic tools we have. It is not about stopping things; it is about innovative and new approaches. Above all it is about thinking holistically and for the long term: Yes, it is also about jobs. Fundamentally the green economic model is about more jobs. The changes that are required to be made to our economic direction actually offer new green economic opportunities.

This is in contrast to the current economic rationalist approach which is about more profit but fewer jobs. Do members know how many permanent jobs are being created at the new Collie power station at a cost of \$600m? Only 52! By contrast a new solar voltaic plant in Virginia USA has been built for \$42m, while creating 450 jobs. It has been estimated that if Australia were to double its green jobs, by the year 2000 it would be worth \$8b to the Australian economy and 150 000 extra jobs. That is only the tip of the iceberg. By way of contrast the Government's resource development program will provide only 2 000 permanent new jobs.

Ecologically sustainable development is about lateral thinking and new opportunities. One came up in the Estimates Committee hearings last week about organic production methods and new markets. When I first mentioned organic agriculture to the South West Development Authority 10 years ago, the matter was trivialised. When I asked the Director General of Agriculture the same question last week at the Estimates Committee I expected a similar response. Instead it was such a pleasure to hear that the department has recently learnt from the Wheat Board of a strong demand for organic wheat in Japan! Food safety is an international consumer issue and we have a real opportunity to develop a competitive advantage in this field.

Putting the environment and the economy together is a powerful antidote to the problems overwhelming both spheres when they are kept separate and in juxtaposition. Above all it means conscious, strategic, integrated policies to plan our future wellbeing rather than passively expecting Adam Smith's invisible hand of unregulated market economies to create a sustainable society. One could say that ecologically sustainable development is about rationalising economics instead of economic rationalism.

I am not so naive as to imagine that we will solve this great problem by merely establishing a committee to consider it and voila, we have it! No, this is a huge goal that could be achieved only through a tremendous effort from across the political spectrum. I know that at all levels of government people are working towards this goal. This includes the Agenda 21 program for local government and the new management approach being implemented by my former colleagues at the Department of Environmental Protection and at the Environmental Protection Authority. Most



important of all, I know also that at all levels of the larger community people are working towards this goal. Together we can achieve the changeover. We fail it at the peril of our society.

Mr President, we are in dire need of a non-adversarial approach, a united effort to achieve development for our State which registers positive on the long term overall balance sheet as well as on short term cash flow profit and loss statements. For that reason I would like to finish tonight with a few words about what my dear colleague, the former Greens (WA) Senator Christabel Chamarette, called "doing politics differently". Christabel was one of the first of a new breed of politician who has begun to try to define a different approach to parliamentary work, one which could establish a greater integrity and dignity in the political process. For me this objective is about the avoidance of posturing and the adversarial approach. It values integrity above ideology. It implies working cooperatively with everyone who cares to join in common objectives, regardless of his or her party.

Hon Jim Scott has done a tremendous job over the past four years, single-handedly representing the values of the Greens. He has won great respect from other members and from the Western Australian community.

Hon Kim Chance: Hear, hear!

Hon C. SHARP: I am rather struck by the coincidence that not only is the female representation in this Council now far stronger but also that both the Minister for the Environment and the opposition spokesperson for the Environment are women. I hope that this bodes well for the cooperation needed to tackle the tasks ahead.

For myself, I intend to put a positive and honest effort into progressing towards ecologically sustainable development. I extend a sincere invitation to all members to join in.

[Applause.]

Debate adjourned, on motion by Hon Bob Thomas.

**LAND ADMINISTRATION BILL  
ACTS AMENDMENT (LAND ADMINISTRATION) BILL**

*Order of the Day*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [8.37 pm]: I move -

That Order of the Day No 5 be now taken.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [8.38 pm]: The question before the Chair is that the Land Administration Bill be now brought forward as the first item for discussion by this new Legislative Council - a House which has been given a new balance by a non-government majority which comprises the Labor Party, the Democrats and the Greens.

I wish to debate the question because the flow of events needs to be placed on the record to indicate the stage we have reached. As I understand it, the Labor Party has been involved in discussion on a range of Bills since we returned. On 12 March a motion of which I gave notice was adjourned by Hon Muriel Patterson. Approximately 28 orders of the day are now listed on the Notice Paper, 10 of which are government items. Since the opening of the Parliament about eight government Bills have passed through this House, six of which are now Acts of Parliament. Only two are yet to go through the Assembly. In that time, approximately 18 non-government motions have languished on the bottom of the Notice Paper and remain there as orders of the day. The Government proposes to bring forward this Bill as its first item of business, and it had discussions with the Labor Party about that.

I understand that all three non-government parties have had representations today on the Bill that would be before the House if this motion were carried. My response to those representations was that the group involved should raise this issue with the Greens and the Democrats; they have just arrived and they might have some relevant comments. It would be reasonable if the Greens and the Democrats sought a week's delay for consideration of this item while they sought answers and provided answers to questions asked of them.

Subsequently, as I understand it, the Greens and the Democrats initially indicated they would like Labor Party support to adjourn this debate for at least a week. That was put to my colleagues in the party room and we agreed that, if the Greens and the Democrats requested it, we should move to adjourn consideration of this Bill for a week. On that basis - I have subsequently been alerted there may be new developments - I would like those issues to be put on the record so they can be made available to the reference group that has raised the issue with us.

The PRESIDENT: Order! The Chair is in fact here. Perhaps the Leader of the Opposition would be good enough to address the Chair.

Hon TOM STEPHENS: I appreciate that invitation, Mr President. I say through you, Mr President, to my colleagues on the non-government side of the House that if they request we adjourn this motion, the Labor Party would be prepared to not agree to the motion before the Chair; that is, to bring forward item No 5 before every other item of business.

One of the reasons my appetite for this debate developed was not simply that it was a request from a constituent organisation that I hold in high regard but also because it was addressed during discussions with the Greens and the Democrats earlier today. Other members may remember what happened during question time regarding land administration issues. I asked I think the third question of the Minister for Finance representing the Minister for Lands, Hon Doug Shave. It was a simple question seeking to find out how many excisions had occurred on pastoral leases since December 1993. Members will all understand the significance of the question. It was about living space for Aboriginal people on the pastoral leases of the stations of Western Australia. This is the excision process that has been frozen by the Government since it took office.

*Point of Order*

Hon N.F. MOORE: The question before the Chair is that Order of the Day No 5 be now taken, not whether there should be excisions on pastoral leases for Aboriginal people or whether the member got an answer to a question he wanted today. I suggest he get relevant and talk to the motion.

The PRESIDENT: I understand the point of order, but I consider the comments being made by the Leader of the Opposition are in support of his general proposition that this order not now be taken. As long as he keeps his comments relevant he may continue.

*Debate Resumed*

Hon TOM STEPHENS: Members on this side of the House know we have a great challenge in front of us. The hopes of Western Australia are on this side of the House in a range of areas.

Hon N.F. Moore: You should look in the mirror sometimes, Mr Stephens; you are kidding yourself. You got done like a dinner at the last election.

The PRESIDENT: The Leader of the House will come to order. The Leader of the Opposition has the floor; he is entitled to raise issues on this proposition.

Hon TOM STEPHENS: The hopes of Western Australia -

Hon N.F. Moore: You got 12 seats.

The PRESIDENT: Order! I ask the Leader of the House not to interject.

Hon TOM STEPHENS: The hopes of Western Australia are focused on the non-government members of the Legislative Council. The public expects a guarantee that this Government will be placed under scrutiny at every opportunity. This Bill is not a matter of great moment to most, but it is to some sections of this community about which I happen to feel strongly.

Questions to the Minister for Finance, Hon Max Evans, representing the Minister for Lands, Mr Shave, about land matters that will be the subject of legislation to be brought before this House received glib answers. If we allow the Government to get away with answers like that on issues of such fundamental importance and allow it to bring on its legislation and oblige it whenever the moments arise, it will not augur well for us on this side of the House.

Issues will come and issues will go. This may pass; the Bill will go through and become an Act of Parliament and that may be the end of it and the people who have raised this issue with us can go hang! I would be sorry if that were the case. I would love to think that between now and next week, Finance Minister Hon Max Evans will come back in his representative capacity and at least provide an answer to the question so glibly fobbed off by the Minister in the other House. I am not blaming Hon Max Evans; it was the arrogance of Minister Shave. The Minister for Finance delivered the answer well - a great one-liner like the ones we have become used to in this House.

I hope that the other non-government members realise that when we deal with motions like this we have an opportunity of responding to the way this Government deals with a range of issues. If they are satisfied with those answers, they should let the government legislation come on and deal with it rather than worrying about trying to get information for the people of Western Australia so that light can shine on the issues that face us.

Hon N.F. Moore: When did you ask the question?

Hon TOM STEPHENS: During question time.

Hon N.F. Moore: Didn't you ask the question before?

Hon TOM STEPHENS: It was one of the major issues of my speech.

Hon N.F. Moore: How long ago was that?

Hon TOM STEPHENS: A considerable time ago.

Hon N.F. Moore: You asked a long, detailed question without notice today.

Hon TOM STEPHENS: It was a simple question.

Hon N.F. Moore: It was not a simple question at all.

Hon TOM STEPHENS: An answer is available; the list is not long. The specific question was: How many excisions have occurred from the pastoral leases of the land holdings of Western Australia? The reference is to the Aboriginal communities of Western Australia where the Government has positioned a freeze on pastoral leases, and blocked excisions. I simply asked whether any excisions had been made for the Aboriginal people, who are crying out for a land base on which they can operate on pastoral leases. The answer was glibly given to me by the Minister for Finance.

This is an important issue for me. The Labor Party will listen to what the Democrats and the Greens have to say. If the Democrats and the Greens support bringing on this Bill we will go along with that. If they are asking us to do otherwise we will be open to their argument. I understood we were being asked to postpone the Bill for a week. If the Greens and the Democrats want to persist with that request they should put it on the record so we all know our position.

Hon Barry House: Are you irrelevant?

Hon TOM STEPHENS: Absolutely not.

The PRESIDENT: Order! The Leader of the Opposition should address the Chair.

Hon TOM STEPHENS: Thank you, Mr President. As a group, members on this side of the House are more relevant than ever before.

Hon N.F. Moore: Not with you leading it. You are leading from behind.

The PRESIDENT: Order! I ask the Leader of the House to cease interjecting.

Hon TOM STEPHENS: We are not the only ones who are not relevant. On this side of the House, the Labor Party by itself is irrelevant, and the Australian Democrats and the Greens (WA) are irrelevant. However, we are relevant in what we collectively represent on issues of accountability, policy and, when we agree, in throwing light onto the activity of the Government to ensure that its legislative program is subject to scrutiny.

The answer given during question time today is a classic example of how an answer must be provided before agreement can be reached on how we will deal with a Bill. The Government might learn from that lesson. If it wants to learn that lesson, now is as good an opportunity to do so as any. It may not be the case; that is, we may not be ready as a non-government group to take that step. However, it may be something we can work towards over time.

I will not make a mountain out of this matter, but I place our positions on the record. I can then say to the people who raised the issue with me, "We were ready." Whoever is not ready will have their reasons for that position also available to interested groups. I want those positions on the record before we bring on Order of the Day No 5. I hope I can encourage the non-government members to make a contribution, which I look forward to with great interest.

**HON J.A. SCOTT** (South Metropolitan) 8.54 pm]: We are dealing with an unusual situation in that a number of new members have joined the Chamber halfway through Committee debate on this Bill. That is not the normal situation, and consequently a number of concerns have arisen. I was present for the early parts of debate on this Bill, but I confess that as a result of previously being the only cross-bench member dealing with this issue, and as I was particularly concerned with environmental and industrial relations issues at the time, I could not cover every issue which came before this House - it would be impossible for a single person to do so. Therefore, I was unable to pick up all the points involved and consider this Bill in depth. When the Bill progressed to a certain point, I sought advice from a number of interested people. However, by the time the advice came back to me on their concerns, the relevant clauses had already been passed.

My colleagues and I do not want to stop this Bill passing as it contains a number of good aspects. However, a number of issues have arisen which I now briefly outline. These relate to the change of classification of lands as A,

B and C reserves to A class or just "reserve". I was told that in fact considerable areas of land which received early classification as B and C class reserves had great ecological importance and for other reasons should not have been attributed with such classification at that time. This early period of classification was a worry to many people. The land involved will not be advertised and will be able to be sold under ministerial discretion without reference to this place.

Also, the Greens had representation from people concerned about Aboriginal heritage. We have been able to have only brief discussions with those people and they wanted to talk to us further about this Bill. We want to be able to carry out those discussions and find out their major concerns.

Hon Tom Stephens outlined one matter of concern, and concerns were expressed during debate about the composition of the Pastoral Board. Every year, considerable expenditure is directed from state coffers as a result of land degradation in the pastoral industry. Certain areas are not sustainable. In fact, in the Murchison area particularly, Elders and other finance companies will not lend money to some operations in some areas because pastoral operations are not sustainable. The Greens (WA) party is concerned about the composition of the board as it should contain people who can consider the sustainability of operations carried out on that land, which the board is currently unable to do.

Also, this Bill will set in place a mechanism to apply for the next 50 years, so it is major legislation regarding pastoral leases. We are not talking about a measure which will last two or three years. I do not suggest that the legislation cannot be changed, but the process with leases will apply under certain conditions for 50 years. Therefore, the Bill must be looked at properly. We are concerned that it is not receiving proper scrutiny, and we certainly have not had an opportunity to express our concerns.

I believe that the Democrats may have some concerns in this area as well. We do not seek to throw the Bill out, but we seek to have discussions with the Minister responsible for its carriage and his advisers to look at mechanisms to ensure that our concerns can be accommodated. We do not want to stop the Bill, which is important to a great many people. It is important for a range of reasons in the administration of reserve land as it will enable the bureaucratic processes to take place. We want to talk to the Minister and his advisers about applying some mechanism so disadvantage does not result for pastoral leaseholders and the Government in its management of that land. Also, protection is necessary in the issues I have raised.

We ask for a little time to consider these points. I am sure that the Government will find that we are keen to achieve the best possible Bill out of this process. We are not being obstructive, we are keen simply to have a Bill which can ensure the sustainability of the lands. Proper processes must be followed so that where areas of land are sold off, we know their value and proper advertising takes place. This will ensure better scrutiny of the process. If we can be satisfied in that regard, we will be happy for the Bill to proceed.

**HON NORM KELLY** (East Metropolitan) [9.00 pm]: I, like Hon Tom Stephens and Hon Jim Scott, have serious reservations about this Bill. It is difficult for new members to come in at virtually halfway through the Committee stage, when previous clauses have already been agreed to. It is also a problem that this Bill was not sent to the classification committee. I blame the Government for that fact. The reason that the Government allowed this Bill to go through the House before the new members had taken their places was largely that it was keen to get the labour relations Bill through this place before we came here, and that has led to the difficulties that we are now experiencing.

I am also aware of the long gestation period of this Bill. It has been about 12 years in the making and is a complex revamp of the existing Land Act. I have had some discussions with the Labor Opposition and the Greens about what should be done with this Bill, and although I am not totally happy with allowing this Bill to proceed tonight, it is the best course of action to take. Since my discussions with the Labor Opposition and the Greens, I have had further discussions with the Minister and officers from the department about various aspects of the Bill about which I have concerns. Some of those matters have been explained to me and I am happy with them, but I am still not happy with the reserves and the constitution of the Pastoral Board.

I am concerned about the best way in which those matters can be addressed. I understand the procedural problems with discharging and recommitting this Bill so that the entire Bill can be reconsidered by the newly constituted Chamber. I am also disappointed with the way that the Labor Opposition addressed those clauses that have already gone through Committee and that the various matters about which it expressed concern were not debated more deeply at the Committee stage.

This is not part of any game play between the various Opposition parties and the Government. It is definitely not about point scoring. It is about the best way to deal with various aspects of the Bill.

Hon Mark Nevill: If you are disappointed about our performance, we will see yours on the remaining clauses of the Bill.

Hon Max Evans: Hon Mark Nevill did a good job.

Hon NORM KELLY: Certain aspects should have been debated better, particularly in respect of reserves and the Pastoral Board. I am in agreement with the Greens about the changes that can be made. The Democrats understand that it is not our role to control the business of the House, but we expect to have considerable input into the later stages of this Bill. I know there will invariably be times when the three Opposition parties will have three different viewpoints, but this is the Democrats' viewpoint about this Bill.

**HON B.K. DONALDSON** (Agricultural) [9.05 pm]: Hon Norm Kelly is concerned that this Bill has not been classified, and he blamed the Government. I should put the record straight. The classification committee did try to meet on a number of occasions to do just that, but the Leader of the Opposition did not turn up and we could not get a quorum, which made it very difficult for us to proceed.

Hon Jim Scott said that this is a 50 year Bill. I do not think any piece of legislation has lasted 50 years in this Parliament without a great number of amendments being made to it during that time. Nothing is set in concrete from day one. There is always room for improvement and for amendments year in and year out.

Hon J.A. Scott: I said that I know that things can be changed but it is easier to do it now than later.

Hon B.K. DONALDSON: The Leader of the Opposition in his comments was really insulting the intelligence of the House, including that of his own colleagues, when they were debating this Bill - and I am glad Hon Mark Nevill said by way of interjection -

Hon Tom Stephens: That is not true.

Hon B.K. DONALDSON: I am concerned about where Hon Mark Nevill is now sitting -

Hon Mark Nevill: I can look after myself.

Hon B.K. DONALDSON: - because when Hon Tom Stephens moved from where Hon Mark Nevill is sitting to the front bench, he lost some of those Christian principles that he espoused so many times that I started to believe him. Since he has moved to the front bench, his word is not worth a brass razoo. I have experienced at first hand actions of Hon Tom Stephens at a committee level which left me absolutely amazed, because after he had made an agreement with the Leader of the Government, he came into this House and misled this House -

Hon N.D. Griffiths: That is unworthy of you.

*Withdrawal of Remark*

Hon B.K. DONALDSON: I withdraw that, because it was a bit over the top.

*Debate Resumed*

The PRESIDENT: Order! There should be relevance in your comments, and at the moment we are debating whether Order of the Day No 5 should be proceeded with.

Hon B.K. DONALDSON: This Bill has reached a certain stage. I appreciate and also honour that procedure. The members who were sitting in the House at the time had a legitimate right to debate the Bill. I support the Leader of the Government in moving that Order of the Day No 5 be proceeded with.

*Personal Explanation*

Hon TOM STEPHENS: I rise on a personal explanation. I claim to have been misrepresented. Hon Bruce Donaldson suggested that I have misled the House deliberately.

Hon B.K. Donaldson: I withdrew that.

Hon TOM STEPHENS: The personal explanation is that at the committee to which Hon Bruce Donaldson referred, I agreed that the Labor Party would bring on that matter for resolution.

The PRESIDENT: Order! Hon Tom Stephens is entitled to raise a matter on which he claims to have been misrepresented, but he cannot now enter into other areas. If he wishes to raise a point about being misrepresented, will he please advise the House what that point is.

Hon TOM STEPHENS: Hon Bruce Donaldson has suggested that I have somehow misled the House and displayed some characteristic of dishonesty in the way I dealt with the classification committee of the House. The truth of the matter is that at the Bills classification committee I agreed with the government members that we would bring on for resolution the item before the committee. I thought there might a possibility that the Democrats would ask us to refer

it to the Legislation Committee. I wanted to keep the opportunity open and so I chose my words "bring on for resolution" well. It was resolved on the suggestion of the Democrats that the matter be referred to the Legislation Committee. We accommodated the Democrats on that occasion. It was not a dishonest act.

The PRESIDENT: Order! The Leader of the Opposition has made the point.

*Debate resumed*

**HON MARK NEVILL** (Mining and Pastoral) [9.11 pm]: Hon Bruce Donaldson is usually worth listening to but tonight he has delivered five minutes of balderdash. The question of this Bill being classified does not arise because the sessional orders were adopted by the House on 10 April and this Bill was introduced into the House on 26 March, a long time before this.

Hon N.F. Moore: A long time ago.

Hon MARK NEVILL: It was introduced in 1995, and reintroduced in 1996 and 1997. Do not blame me for that.

Hon N.F. Moore: It has been here a long time.

The PRESIDENT: Order!

Hon MARK NEVILL: This matter did not arise before the committee comprising the Leader of the Opposition, the Leader of the House and Hon Bruce Donaldson because the Bill did not need to be classified. Hon Bruce Donaldson was arguing a lot of nonsense. I expect better from him.

Several members interjected.

The PRESIDENT: Order!

Question put and a division taken with the following result -

Ayes (16)

Hon E.J. Charlton	Hon Barry House	Hon Simon O'Brien
Hon M.J. Criddle	Hon Norm Kelly	Hon B.M. Scott
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Greg Smith
Hon Max Evans	Hon N.F. Moore	Hon W.N. Stretch
Hon Ray Halligan	Hon M.D. Nixon	Hon Muriel Patterson ( <i>Teller</i> )
Hon Helen Hodgson		

Noes (13)

Hon Kim Chance	Hon Mark Nevill	Hon Ken Travers
Hon J.A. Cowdell	Hon Ljiljana Ravlich	Hon Giz Watson
Hon E.R.J. Dermer	Hon J.A. Scott	Hon Bob Thomas ( <i>Teller</i> )
Hon N.D. Griffiths	Hon Christine Sharp	
Hon John Halden	Hon Tom Stephens	

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Pairs

Hon Peter Foss	Hon Tom Helm
Hon Derrick Tomlinson	Hon Cheryl Davenport

Question thus passed.

**Land Administration Bill**

*Committee*

Resumed from 10 April. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Progress was reported after clause 123 had been agreed to.

**Clause 124: Rent may be varied if a permit is issued -**

Hon MARK NEVILL: This completely new clause is not in the Land Act. When the Valuer General determines the rent of each lease, he must do so at intervals of not less than one year and not more than five years. How often is the

Valuer General required to determine the valuation? Why is the rent not determined annually, as it is with all other business enterprises with crown leases?

Hon MAX EVANS: The rent revenue is dependent on the commercial deal struck in the first place. Its interval could be determined as one, two or three years. The clause states that one cannot do it before one year has passed but it has to be reviewed within five years. When we debated clause 123 we discussed other aspects of this. It is really a question of the commercial operation and deciding when to conduct a review. The Valuer General is working on that now.

Hon MARK NEVILL: The Valuer General has the capacity annually to evaluate rent on a normal freehold property. I suspect that he could determine the annual valuations for pastoral leases and permits on pastoral leases. My reading of this Bill is that although it states not less than one year and not more than five years, the practice will be that rents will probably be varied every five years more often than every year.

Hon MAX EVANS: From 1 July 1999, pastoral leases will be reviewed every five years. To a large extent, pastoral lease valuations are not based on a mass appraisal system. The Valuer General previously valued freehold land in the metropolitan area every three years and every five or 10 years in the country. It is based on a mass appraisal system. All purchases and sales of land are averaged out for the valuations. Pastoral lease valuations are worked out on the number of cattle they carry, and on the improvements. I do not think the Valuer General will be valuing pastoral leases on the mass appraisal system as he does for freehold land in the south of the State. The Valuer General has done some work on how he will value the leases from time to time in expectation of the legislation.

Hon MARK NEVILL: I probably did not make myself clear. Under clause 123, rents will be determined by the Valuer General on all pastoral leases on 1 July 1999 and as at 1 July for each fifth year thereafter. The valuations will be done every five years. I cannot remember the previous debate because it was so long ago. However, I think I would have questioned the determination of rents every five years because there can be quite severe fluctuations in the fortunes of pastoralists from year to year. Perhaps the fifth year might be a bumper year and they might be locked into a fairly high rent. Clause 124(4) refers to permits on pastoral leases. Those permits can be quite lucrative if one is growing grapes at Wiluna or apricots or oranges. I do not understand why that land is not valued annually. I do not think it would be difficult for the Valuer General to do that. I do not see why it is valued every five years when a commercial orchard in the hills is valued every year. What is the logic for that benefit?

Hon MAX EVANS: The member answered the question himself. Commercial activities can be valued annually. However, pastoral leases will be valued every five years. I am not even certain whether commercial properties will be done on a mass appraisal system either because it could take some crops three years to come into production. Pastoral leases will be valued every five years and the others can be valued every one, two or three years, depending on the requirements.

Hon MARK NEVILL: Under subclause (4), the Valuer General has to consult the board concerning the economic state of the pastoral industry. How will that subclause apply if the Valuer General is trying to determine the rent of, say, the tourist development on El Questro station, which will be a permit? I think we are dealing with something that in many cases is independent of the economic state of the pastoral industry. Yet we could see up to five year gaps in the valuations under this clause. I do not believe they should be treated any differently from other enterprises, but should be valued on an annual basis with the rent being determined on an annual basis.

Hon MAX EVANS: El Questro would be a separate permit or lease for a commercial activity. Subclause (4) refers to determining the annual rent for a pastoral lease. I imagine that has been put in to protect the pastoralists against economic trends. The rent for commercial activities could be reviewed every 12 months.

Hon MARK NEVILL: The clause does not apply to the permit. Clause 123 applies to the residue of the pastoral lease. I had that wrong. I suggest the Minister keep a close eye on the areas referred to in subclause (3) and request those rent determinations as often as needed and not forget and do them every five years.

Hon MAX EVANS: The member should not forget that the values could drop in times of severe drought. The legislation provides an opportunity for the rents to drop if the conditions demand it. El Questro will have a rent review every 12 months. It is commercial activities versus pastoral activities.

#### **Clause put and passed.**

#### **Clause 125: Payment of rent -**

Hon MARK NEVILL: Subclause (2) says that if an objection or an appeal is lodged, the rent is payable at the previous assessment. My view is that it should be paid at the new rate and a refund paid, not paid at the old rate and after the appeal it is paid at the new rate. The Minister will be aware that Argyle Diamonds is disputing royalties and is withholding something like \$9m. It should pay that amount and, when the dispute is determined, the State should

return the money. The same principle should apply here. What is the reason for making the rent payable at the previous assessment?

Hon MAX EVANS: The Minister might like that suggestion. Royalties are different from this. In the case of a dispute, the old rent should remain until the new rent is assessed. It is not a lot of money on pastoral leases. I would not agree with paying the new rent because the higher rent may not be right and getting refunds can be slow.

Hon MARK NEVILL: Subclause (3) seems to address a fairly unlikely situation. If there is an objection against the assessment of rent, it is paid at the previous assessment. Under subclause (3), if it is overpaid, it is set off against a future payment - that is after an objection. It seems to me likely that the appeal would result in an increased rent being reduced to a level below the previous rent. It seems to be a very unlikely scenario.

Hon MAX EVANS: Reference was made earlier to the effect of that on the whole industry. Over the years it could have been reduced. The economic benefit of the property comes down to the number of cattle on the property and the current price for cattle. The member said the rent could be reduced and if the pastoralist had paid on the basis of the previous rent, he would receive a refund. This would apply more to a pastoral business than to any other business because of the nature of that industry.

Hon MARK NEVILL: Under this clause there is no time line, which was the case with section 99 of the Land Act. Under that section people had three months to apply for a rent review. What is the prescribed rate of interest that is payable when back rent accrues? In respect of rent and interest accruing, for how long does it accrue and what is the effect of the surrender of the lease on the accrual of rent and interest? Under the Land Act the surrender of a lease affected the payment of rent.

Hon MAX EVANS: If a person fails to pay rent on the due date interest becomes payable and accrues at the prescribed rate. The interest rate will be determined by the regulations.

Hon MARK NEVILL: The Minister referred to the prescribed rate and the time line, but he did not refer to the effect of the surrender of the lease. Is the rent and interest still owing or does that lapse on the surrender of a lease?

Hon MAX EVANS: On a normal commercial basis the rent and interest would be owing and payable up to the date the lease was surrendered. It would be a debt owing to the Crown.

Hon Mark Nevill: Do they still have to pay it?

Hon MAX EVANS: Yes.

**Clause put and passed.**

**Clauses 126 and 127 put and passed.**

**Clause 128: Postponement or reduction of rent payments due to disaster -**

Hon MARK NEVILL: The whole pastoral industry is wrapped in a covering of protection. It reminds me of the New Zealand situation where at the last election the New Zealand First Party under Winston Peters went into the election with a \$100m fund to assist the dairy industry. The dairy industry said it did not need it and it would look after itself. The pastoral industry has prided itself on being independent, but this Bill is giving it all sorts of comforts and protections which are not given to other businesses and industries. I appreciate that the pastoral industry is different, but perhaps it is time it was treated the same as other businesses and industries. If the industry does have a disaster it can be dealt with by drought relief or rural adjustment. The welfare-type provisions are not essential for such an independent group of people.

Hon NORM KELLY: This clause is not only about a postponement or reduction of rent, but a possible waiving of rent. Where there is continual difficulty for marginal leases to be economic - not necessarily due to degradation - they could be propped up by the non-payment of rent over a period of time. My concern comes back to the make-up of the Pastoral Board. As it is dominated by pastoral interests it could favour a waiving, postponement or reduction of rent payments.

Hon MAX EVANS: Subclause (4) outlines the procedure that must be followed for the payment of disaster relief. I understand the point Hon Mark Nevill made. I do not compare the dairy farmers, who get a weekly cash flow from the sale of milk, with the pastoralists. In the 1950s the pastoralists were among the wealthiest people in this country, but in recent times that has not been the case. It is a protected industry. The term of a lease has worried a lot of people and the people in the industry who made money have left and people with new money have come in to try to make a go of it. A few years ago a cyclone in the north wiped out the fences on pastoral properties and the Government provided disaster relief. From 525 leases only \$400 000 was received in rent, an average of \$8 000 per property. Not a lot of rent is involved.



Hon Mark Nevill: It is a lot of legislation for \$400 000.

Hon MAX EVANS: That is right. Maybe we should let them operate rent free and not listen to their complaints. However, that is not how it should be done. Additional rent may flow from the commercial activities.

This clause does not deal with the economic question. A review of the rent will come up every five years and will be determined on economic conditions. If someone cannot make any money from the property he will simply walk off it. A lot of pastoral leases have not been economic. In that circumstance a person gets a fairy godmother to buy the property and sells his cattle to get a good cash flow, but nothing is left. The fairy godmother may be the Government or a good banker. If a property is not economic the pastoralist will either go broke or walk off the property. The rent will not make a lot of difference if it is an average of \$8 000 per property.

Hon NORM KELLY: My concern is that it may prolong the inevitable for marginal leases. Some properties which have proved to be profitable in previous years because of changing climatic conditions are becoming more marginal.

Hon MAX EVANS: The Valuer General will determine the rentals, which will then go back to the board. Everyone will act reasonably, because not a lot of money is involved. The important thing is to keep pastoralists on the properties, because it will be far worse if they walk off them.

**Clause put and passed.**

**Clauses 129 and 130 put and passed.**

**Clause 131: Minister may issue forfeiture notice -**

Hon MARK NEVILL: The provisions of this clause are similar to those of section 103 of the Land Act. Does this clause apply to section 104 - that is, reservation in favour of Aboriginal persons having access to undisclosed pastoral leases? I presume that if section 104 is breached the pastoral lease is liable for forfeiture. The title of the section says the "Minister may". If we look at any legal definition of "liable" it means one is legally bound or under obligation. Is that the case or will the Minister have discretion to forfeit a lease?

Hon MAX EVANS: Access by Aboriginal people is a condition of the lease and, therefore, it is a forfeitable breach. The Minister has discretion. "Forfeiture under section 35" is meant to mean that action can be taken. Other action can include penalties and fines or voluntary surrender.

**Clause put and passed.**

**Clause 132 put and passed.**

**Clause 133: Abandonment of a pastoral lease -**

Hon GIZ WATSON: Would the Minister clarify the words "proper care, control and management" in subclause (1)? If a pastoral property is not maintained the vegetation type on the property may change. Is that defined as not being under proper care, control and management?

Hon MAX EVANS: It includes a lack of care of animals and the deterioration of infrastructure, such as water points and yards. One of the most important jobs on a station is checking the mills and water points because if they are not looked after the cattle will die. Infrastructure, such as fences, must be maintained because the cattle will run off if they are not. If they are not maintained it shows that the people are not managing the lease. The words "has been abandoned or has otherwise been left without proper care, control and management" are fairly clear.

**Clause put and passed.**

**Clauses 134 to 155 put and passed.**

**Clause 156: Compensation for native title holders -**

Hon MARK NEVILL: Why has subclause (2) of the previous draft of the Bill been omitted from this draft of the Bill? Is it not right that in the Dunghutti claim in New South Wales native title was determined as freehold plus 50 per cent?

Hon MAX EVANS: The requirement that the compensation be assessed at freehold rates in a previous draft of the Bill was an error and has now been omitted. It is not possible at this time to indicate how compensation will be assessed, but it will be in accordance with the native title legislation.

I remind members that under section 109 of the Constitution, commonwealth Acts prevail over all state Acts. There is no point trying to anticipate what will happen in the native title legislation because it will prevail over the state legislation anyway.

Hon MARK NEVILL: Who will pay the compensation? This clause does not make that clear. When the former Federal Government discussed native title compensation in 1994 it offered the State \$120m in compensation and the State turned it down. Will it now be transferred to pastoralists to pay for compensation or will the State pay the compensation?

Hon MAX EVANS: The provision is for taking land and paying compensation. The person who gets the grant of land will be the one who has to pay the cost. If the Government takes it over it will pay the cost. If pastoralists take it over they will pay. The person who ends up with the land will pay the compensation. The person who gets the result and the grant of land which has been taken away will pay the costs for the land for compensation.

Hon MARK NEVILL: Is the Minister saying that if native title is determined to continue to exist on a pastoral lease and native title is extinguished then the pastoralist will pay the compensation for the extinguishment of that title?

Hon MAX EVANS: If the land is taken away under the Native Title Act, whoever gets it will pay the compensation. The pastoralist already has the land; he cannot pay compensation for something he already has.

Hon MARK NEVILL: Under clause 156 does the land necessarily have to be taken away? My reading is that if native title is determined to have existed on a pastoral lease, the lessee will continue to hold that land, but some compensation must be paid to the native title holder. As such, who is liable?

Hon MAX EVANS: Proposed section 33F provides that compensation may be payable by agreement with the Minister by the person who received an interest in land which had been taken under subsection (2)(a). An agreement made under proposed section 33F will create the obligation to pay agreed compensation to the Minister. This agreement will not affect the obligation of the State to pay compensation to native title holders who may be affected by the taking. This reflects the provisions of section 79 of the Native Title Act.

Hon MARK NEVILL: It is still not clear. Is the Minister referring to clause 155(2)(a)?

Hon MAX EVANS: No, to clause 167.

Hon MARK NEVILL: There is no 2(a) in clause 167.

Hon MAX EVANS: Clause 156 states that compensation for native title holders will be paid and clause 167 states it may be payable and how it will be paid.

Hon MARK NEVILL: Clause 156 refers to native title rights in terms of the purpose for acquisition. I cannot grasp exactly what this clause is referring to. Are we talking about pastoralists or someone else acquiring the land and paying the compensation to the native title holders? Who would be those other people who might acquire the land?

Hon MAX EVANS: I am advised the Government acquires the land and compensation will be in accordance with the Native Title Act.

**Clause put and passed.**

**Clauses 157 to 199 put and passed.**

**Clause 200: Transitional provision for taking in progress -**

Hon MAX EVANS: I move -

Page 166, after line 19 - To insert the following new subclauses -

(2) Subject to subsection (1), if, immediately before the appointed day, a procedure had been begun but not completed under a provision of the *Land Acquisition and Public Works Act 1902* ("**the first Act**") subsequently amended or repealed by the *Acts Amendment (Land Administration) Act 1997* ("**the second Act**"), the procedure may be continued and completed as if the first Act had not been amended by the second Act.

(3) Without limiting subsection (2), if -

- (a) any proceedings for relief in respect of any alleged act or omission done or omitted by or on behalf of the Crown in respect of any land compulsorily taken or resumed under the first Act (including an appeal from a decision made in any such proceedings) were pending immediately before the appointed day; and
- (b) any relief sought in those proceedings is granted,

the person who instituted those proceedings may make any application, or take any other action, under the first Act in respect of that land as if the first Act had not been amended by the second Act, and the first Act as it existed before its amendment by the second Act applies to and in relation to any such application or other action.

(4) This section is in addition to, and does not derogate from the application to the first Act, the second Act or this Act of, the *Interpretation Act 1984*.

It has come to the Government's notice that the general savings and transitional provision in the Interpretation Act and in clause 281 of the Bill may not be sufficient to transition across the processes already commenced under the Land Acquisition and Public Works Act. As a matter of precaution it has been decided to include a general transitional provision to ensure that all procedures already commenced under the Land Acquisition and Public Works Act are saved and can be completed under that Act, despite the proclamation of this Bill and the repeal of the relevant provisions of that Act.

Progress reported, pursuant to Standing Order No 61(c).

### **REGIONAL DEVELOPMENT COMMISSIONS AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

#### *Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.00 pm]: I move -

That the Bill be now read a second time.

The Regional Development Commissions Act 1993 was the most significant legislation enacted in providing a framework for regional development in Western Australia and is the cornerstone of the Government's regional development program. Its underlying principles are partnership between government and the people of the regions in formulating and progressing regional initiatives.

Early in the operation of the 1993 Act, the Government recognised the important contribution that local government peak bodies could make and invited representatives of the Western Australian Municipal Association to attend Regional Development Council meetings. Since the establishment of the regional development commissions, a number of improvements to the legislation have been suggested by local government and the regional development commission boards, and these amendments take into account suggested improvements.

The amendments contained in this Bill reflect the Government's determination to enhance the effectiveness and representativeness of the regional development commissions, by amending the 1993 Act's provisions in relation to the composition of the boards and the length of tenure of board members.

The local government category of board membership will be modified by this Bill to ensure that local government representatives on regional development commission boards are elected local government councillors. This was the intention of the 1993 Act. The amendment is necessary to prevent any repetition of a situation that has already been encountered. A board member who was appointed in the local government category in April 1994 for a three year term, ceased to be an elected local government councillor the following month at the May 1994 local government election. This person completed his term as an unelected representative.

It has been the Government's preference that local government representatives on all regional development commission boards be sitting councillors. The amendment will allow members to be removed from boards if they were appointed from the local government category and subsequently cease to be elected local government representatives.

This Bill seeks to amend section 34 of the Regional Development Act 1993 to afford full membership of the Regional Development Council to two local government representatives. This fulfils the 1996 coalition regional development policy commitment to formalise local government representation on the Regional Development Council, and significantly upgrades local government's previous observer role in that forum. This proposed amendment is designed to cement the partnership between local government, the regional development commissions and the State Government in regional development in Western Australia.

Under schedule 2 part 1 of the 1993 Act, board members are limited to serving a maximum of two consecutive terms. It has been the practice of the Minister for Regional Development to make appointments on a staggered basis for one to three years to ensure continuity on the boards. This can result in board members being ineligible for reappointment

after two terms, which might amount to a total of only two years. This can result in the loss to the regional development commission boards of appropriate skills, knowledge and expertise. However, the proposed amendment is not open-ended; it will allow board members to be appointed for more than two consecutive terms, as long as those consecutive terms do not exceed a total of six years.

The amendments to the Regional Development Commission Act 1993 introduced in this Bill will enhance the workability of the 1993 Act and the ability of the regional development commission boards and the Regional Development Council to work effectively to develop Western Australia's regions. This will in turn ensure that Western Australia's position as Australia's leader in the pursuit of regional development is maintained through productive partnerships that recognise and utilise the abilities of regional Western Australians.

Debate adjourned, on motion by Hon Bob Thomas.

### **BILLS (2) - RETURNED**

1. Western Australian Sports Centre Trust Amendment Bill.
2. Acts Amendment (Marine Reserves) Bill.

Bills returned from the Assembly without amendment.

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

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

#### *Second Reading*

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [10.04 pm]: I move -

That the Bill be now read a second time.

This Bill is new legislation to complement the Acts Amendment (Marine Reserves) Bill. It has been prepared in recognition of the potential for the Acts Amendment (Marine Reserves) Bill to have a significant effect on the fishing industry in certain circumstances relating to new and existing marine reserves. Its introduction honours a commitment given during the second reading speech to the Acts Amendment (Marine Reserves) Bill that further amendments would be brought before the Parliament to provide compensation measures for a reduction in the value of existing rights under fisheries and pearling legislation that may be affected by the passage and operation of the Acts Amendment (Marine Reserves) Bill.

Importantly, this Bill need not impede the establishment and proper management of marine reserves under the Conservation and Land Management Act 1984. The Fisheries and Environment portfolios will liaise to ensure that the interests of all stakeholders in marine reserves are taken into account during the development of marine reserve proposals. This will ensure that persons in the fishing and related industries need only be adversely affected by marine reserve proposals in some circumstances. This approach will enable planning for changing community requirements in terms of the wise use of marine areas to proceed in a cost effective manner.

The Bill provides that if a proposal relating to a marine reserve is likely to have a significant adverse impact on the value of an existing commercial fishing, fish processing, or pearling or aquaculture concession - because the lease, licence or permit will be less viable, or no longer renewable, or be renewable only subject to new conditions imposed through the operation of the Acts Amendment (Marine Reserves) Bill - compensation may be made available to affected persons. Where it becomes apparent during the planning process that compensation may be necessary, the estimated amount of moneys payable by way of compensation will be determined. This Bill establishes the circumstances under which and the mechanism by which compensation may be paid.

As has been stated in the second reading speech to the Acts Amendment (Marine Reserves) Bill, that Bill affords the Minister for Fisheries certain powers of concurrence in relation to the constitution or classification of a marine reserve. 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. If a proposed management plan has the potential to give rise to claims of compensation, the Minister will also be seeking similar commitments on the availability of funds for compensation that may be necessary as a result of the commencement of the management plan. Moneys by way of compensation will be paid from funds specifically credited - for the purposes of compensation - to the Fisheries Research and Development Fund continued under section 238 of the Fish Resources Management Act 1994. The amount of any compensation payable may be

determined through agreement reached between the respective parties. Where no agreement can be reached, either the Minister for Fisheries or the affected person can apply to the tribunal established under section 14O of the Fisheries Adjustment Schemes Act 1987, to determine the amount of compensation payable.

The Minister for Fisheries will also retain the option of establishing a formal fisheries adjustment scheme, in accordance with the provisions of the Fisheries Adjustment Schemes Act 1987, so that fishing effort is not merely transferred to another area of a fishery as a result of a marine reserve proposal.

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. The Bill contains consequential amendments to the Fish Resources Management Act 1994, and the Fisheries Adjustment Schemes Act 1987. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

### **SEA-CARRIAGE DOCUMENTS BILL**

*Returned*

Bill returned from the Assembly without amendment.

### **ENERGY COORDINATION AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

*Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.09 pm]: I move -

That the Bill be now read a second time.

Members will be aware that a major initiative of this Government was facilitating private sector involvement in "gas to the goldfields" and that the construction of the goldfields gas pipeline, to bring gas from the north west to the goldfields, was completed in September 1996.

The Government introduced the Goldfields Gas Pipeline Agreement Bill to this House in May 1994. The Bill allowed for the construction of a 1 380 kilometre pipeline, which took 15 months to complete and employed a direct construction work force of 700 people.

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. It has created new markets for gas producers, encouraging further investment in proving up reserves and in production facilities. The substitution of natural gas for distillate, some of which is imported, has a positive impact on our balance of payments, and significantly it has contributed to the reduction of greenhouse emissions attributable to power generation. A soon to be realised future benefit is that it will deliver competitively priced natural gas to homes and small businesses in Kalgoorlie-Boulder. To take advantage of the opportunity presented by the goldfields gas pipeline to Kalgoorlie, the Government advertised in March 1996 for expressions of interest to build a gas distribution system for the supply of gas to householders and businesses of Kalgoorlie-Boulder. The outcome of the expressions of interest process is that Kalgoorlie-Boulder residents will soon be able to choose between reticulated gas, electricity and bottled liquefied petroleum gas as well as enjoy significant energy cost savings and the convenience of natural gas. This new government initiative will ensure that the benefits of the goldfields gas pipeline flow not only to the mining and processing industries, but also more widely to the Kalgoorlie-Boulder community.

The expression of interest process sparked strong interest with four companies subsequently being invited to submit full, detailed proposals. The four companies were Australian Gas and Light, Boral Energy, Wesfarmers Kleenheat Gas Pty Ltd and AlintaGas. A condition of the inclusion of AlintaGas as a proponent was that it be treated in the same way as a private sector firm, which for the successful proponent meant being licensed under the Bill before the House, and in the case of AlintaGas meant it would be licensed outside its powers under the Gas Corporation Act 1994.

To evaluate the proposals and recommend a preferred bidder, a government selection panel was established. This consisted of representatives from the Kalgoorlie-Boulder City Council, Treasury and the Office of Energy. The Office of Energy provided the chairperson of the panel. The proponents were provided with an information document on which to base their proposals. The quality of all four proposals received was of a very high standard.

On receiving the proposals, and after a presentation by each proponent, the proposals were evaluated against specific selection criteria which had been given a weighting and rated accordingly. Financial issues including tariffs and projected cash flows were independently evaluated on behalf of the panel by specialist consultants. The proponent with the highest weighted rating was AlintaGas and the selection panel accordingly recommended to the Minister for Energy, AlintaGas as the preferred proponent. This recommendation was subsequently endorsed by Cabinet.

To enable new commercially-based natural gas distribution development in Kalgoorlie-Boulder, and as appropriate in other areas of the State where natural gas may be economically supplied by gas transmission pipelines, it is necessary to modify existing energy legislation. The Government has determined that to provide specifically for gas distribution developments, amendment to the Energy Coordination Act 1994 is the most appropriate vehicle.

The Bill before the House details these amendments and will facilitate gas distribution development in Kalgoorlie-Boulder and also provide a statutory framework that will help to facilitate subsequent development in other areas. The Energy Coordination Amendment Bill has been drafted consistent with the provisions for the licensing of water services, contained in the Water Services Coordination Act 1995. In this way we ensure that licensing provisions have some commonality and consistency across agencies, aiding business and industry understanding of government processes.

Consequential amendments identified as necessary, to other Statutes, are included in the Bill before the House. The Energy Coordination Amendment Bill contains provisions for a scheme of licensing for the supply of gas in certain areas of the State under specified terms and conditions and will enable the definition of supply areas and provide for extensions or variations to those supply areas as appropriate.

To assist in the establishment of new commercially provided gas distribution in Kalgoorlie-Boulder, the Government intends to issue two types of licences to the preferred proponent, AlintaGas, namely a gas distribution licence, which will enable the proponent to construct, own and operate a gas distribution system, and a gas trading licence which authorises the selling of gas supplied through the gas distribution system. Initially both these licences will be issued to AlintaGas on a limited franchise basis, for a defined duration and over a specific supply area. Renewals and/or extensions of the initial licences are expected to be on a non-exclusive basis. This means that upon licence expiry, additional licences may be granted for the Kalgoorlie-Boulder supply area. This will allow firms to compete for the provision of infrastructure in the supply area as well as permit other gas traders to operate in that supply area. The initial exclusive licence term is considered to be essential to encourage companies to enter transmission/distribution projects in new supply areas. It introduces a defined period of stable cash flows, without which companies would be reluctant to invest in such infrastructure, as the risk of recouping their investment would be too great.

I now table a diagram which outlines the supply area for the licence of the gas reticulation of Kalgoorlie-Boulder. The diagram does not form any part of the Energy Coordination Amendment Bill before the House, but is simply tabled for illustration purposes.

[See paper No 486.]

Hon N.F. MOORE: The Bill also provides the ability for the State to grant land access and easements to facilitate gas reticulation development. The granting of land access and easements may be performed for this purpose by the Minister responsible for the Land Act 1933, but only on the recommendation of the Minister responsible for the administration of the Energy Coordination Act 1994, currently the Minister for Energy.

I now turn to the provisions of the Bill before the House: The Bill amends the Energy Coordination Act 1994 by inserting 10 new divisions. The following is an outline of those divisions.

Division 1 deals with supply areas and specifies that a supply area must be declared or amended by order of the Governor.

Division 2 provides for three types of licence -

- (1) A transmission licence - which authorises the licensee to transport gas through the licensee's transmission system - a pipeline designed for operation at 1.9 megapascals and above.

The Department of Minerals and Energy will continue to administer the licensing of the construction and operation of these pipelines, under the Petroleum Pipelines Act.

- (2) A distribution licence which authorises the licensee to construct a distribution system and transport gas through that system; or to transport gas through an existing system, and if required make alterations to that system; and to operate and maintain the system.

The Office of Energy will be responsible for these aspects, under the Bill before the House. A petroleum pipeline licence will not be required for this licence.

- (3) A trading licence - which authorises the sale of gas transported through a transmission or distribution system.

Division 3 provides for licensing requirements. It extends the scheme to the existing statutory provider, AlintaGas, but also provides a mechanism for the granting of exemptions from licensing requirements under this Bill by the Governor. Cabinet noted on 17 February the Minister's intention to seek an exemption on behalf of AlintaGas for its current areas of operation.

Licences do not apply to the supply of bottled liquefied petroleum gas, but they do apply to reticulated LPG in a supply area. Existing operators are required to apply for a licence within four months of gazettal of the Act.

Division 4 deals with licence applications and administration procedures. Applicants must inform the coordinator of energy of various details, including the pricing methodology and principles, access principles, and standard customer contracts.

The coordinator of energy may grant or renew a licence only when satisfied that the applicant/licensee has and is likely to continue to have, the financial and technical ability to supply gas in the supply area and that the licence grant or renewal is in the public interest. A licence is not necessarily exclusive, and a supply area may have more than one licence of a particular type.

The licence term cannot exceed 10 years. Annual licence fees and an application fee are provided for and will be prescribed by regulation.

Division 5 discusses duty to supply, whereby a licensee must supply gas and construct, operate and maintain a distribution system, according to the provisions of the licence type granted. A licensee may vary or interrupt the supply of gas for public safety reasons, and is not liable for any resultant loss or damage. However, a licensee must minimise any such interruption or restriction.

Division 6 specifies other duties of licensees. Distribution licensees must establish an asset management system, the effectiveness of which can be independently assessed every 24 months or at longer periods as the coordinator of energy allows. Furthermore, each licensee must provide the coordinator of energy with an independent performance audit every 24 months or at longer periods as the coordinator of energy allows.

Division 7 covers licence enforcement. It provides for the Minister to serve a notice on a licensee, requiring any contravention to be rectified and for reprimands and penalties. In appropriate circumstances licences can be cancelled by the Governor.

Division 8 allows a licensee to appeal to the Minister against a decision of the coordinator of energy.

Division 9 addresses land access. This enables the compulsory acquisition of land or easements to be used for the purposes of a gas distribution system, to be granted by the Minister responsible for the Land Act 1933.

Division 10 makes provision to extend certain provisions of the Energy Corporations (Powers) Act 1979, so that a reference to the term "corporation" in that Act may include a licensee. The conferral of powers from the Energy Corporations (Powers) Act 1979 to licensees is restricted to those sections referred to in schedule 2 of this Bill.

The Bill before the House contains two schedules:

1. Schedule 1 of the Bill outlines licence terms and conditions that may be included in the granting of a licence. An example is the requirement for a licensee to observe open access principles and to specify its pricing methodology and principles.

The Office of Energy, which will administer the new provisions, will provide a light-handed regulatory oversight, with the threat of intervention if the need arises. Prices charged and economic evaluation of the success of licensees will be monitored by the Office of Energy.

2. Schedule 2 of the Bill defines the provisions of the Energy Corporations (Powers) Act 1979 that may be granted to distribution licensees through the prescription of regulations.

The Bill also contains consequential amendments to the Energy Corporations (Powers) Act 1979; the Gas Corporations Act 1994; and the Gas Undertakings Act 1947. The amendments to the Energy Corporations (Powers) Act 1979 relate to excluding the holders of a licence under this Act from the provisions of sections 55 and 56 of that Act. The Gas Corporations Act 1994 is amended to ensure that any of AlintaGas' specified functions, which will, after the coming into effect of this Act, require a licence, can be performed under the terms and conditions of that

licence and not under similar powers contained in the Gas Corporations Act 1994. The Gas Undertakings Act amendment ensures that a licence holder under the Energy Coordination Act 1994 is not subject to certain provisions of the Gas Undertakings Act 1947.

In summary, the Bill before the House is one step further in the process of deregulation of the gas industry in Western Australia. It is intended that the gas reticulation of Kalgoorlie-Boulder will be first to be licensed under this Bill. AlintaGas expects to commence construction in July 1997, with gas being available to the first customers in October. Within two years of the granting of that initial licence, it is intended that natural gas will be available to no less than 95 per cent of the households in Kalgoorlie-Boulder. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

#### ADJOURNMENT OF THE HOUSE - ORDINARY

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.21 pm]: I move -

That the House do now adjourn.

#### *Adjournment Debate - Business of the House*

In moving this motion, I very quickly refer to some incidents that occurred in the House earlier this evening relating to debate on the land administration Bills. There are two ways in which members can defer consideration of legislation: First, they can move not to debate a particular order of the day. By doing that, they are effectively taking the business of the House out of the hands of the Government. Alternatively, they can wait until the order of the day comes on for debate and move that it be adjourned or amended or that progress be reported, depending on the stage the Bill has reached.

During our time in opposition, when a Labor Government was in power, I do not ever recall the then Opposition taking the business of the House out of the hands of the Government by seeking to rearrange the orders of the day, or to prevent the House from dealing with an order of the day. Therefore, I was a little concerned by the decision by the Leader of the Opposition this evening to try to avoid dealing with Order of the Day No 5, the subject of a motion I had moved for it to be dealt with forthwith. Perhaps he should have agreed to that motion. In that way, the business of the House would have remained in the hands of the Government. Then when we moved to the Bills the subject of Order of the Day No 5, he could have brought forward the issues that were raised and, if necessary, moved that the debate be adjourned to the next sitting of the House; or, in this case because the Bills were to be dealt with in Committee, that the House report progress and seek leave to sit again. That is a legitimate and proper motion for any member to move. If the House agrees, that is what happens. I can only assume on this occasion, because we are all new at what we are doing, Hon Tom Stephens did not intend to take the business out of the Government's hands and that he meant to do what I suggested in the second course of action. I hope that is the case.

I want to make this point as clear as I can: There is a long tradition in Westminster-type Parliaments that if the Opposition in an upper House has the numbers, a Government is still entitled to have its legislation dealt with and considered - not necessarily that the legislation be agreed or even passed, but that it be dealt with. The tradition, therefore, says that the Government can, in fact, order the Notice Paper, and that the House will deal with the business as the Leader of the House so determines, but will make its own judgments about the Bills as it deems necessary.

It is a little unfortunate that since the House has been reconstituted, it has sat for only two days. We have had three days of Estimates Committee hearings. In the two days during which we have sat, I have sought to be as cooperative as Hon Christine Sharp in her maiden speech suggested I should be, by making opportunities available in which new members could make their maiden speeches. I thought that was very appropriate. Normally a maiden speech is made during the Address-in-Reply debate. That opportunity was not available to our new members by virtue of the way in which the House is constituted. I took the course of action to debate the tabled papers relating to the Budget to enable members to speak on any issue about which they wished to speak, and I used that as the appropriate vehicle for new members to make maiden speeches. I must say that they have been very good maiden speeches. The quality of our new members is quite extraordinary, as can be gauged by the quality of their speeches.

However, while I provided that opportunity, I gave away a number of hours of debating time for legislation with which I hoped the House would deal. On the first day we came back - that is, Tuesday of the week before last - we dealt with maiden speeches until I hoped we would be dealing with one Bill. We all know the history of that, and I will not go into it, except to say that it is residing in a committee and I hope it will come forth from that committee tomorrow in all its glory and be debated tomorrow or the next day or whenever we get to it.

Today, the second day the reconstituted House has sat during which it has been able to get on with its business, I moved to go on with a particular Bill, the next on the list. Unfortunately we spent 45 minutes of the time of the House debating whether we should deal with the Bill. Fortunately, because the House agreed to debate it, we have



dealt with it for the last hour or so, in the restricted amount of time available to do so. I accept that. The only problem I have is that in two full sitting days we have not finished even one Bill, albeit that the debate on the land administration Bills was already three-quarters of the way through the Committee stage.

I raise this matter because I want to make it very clear that the Government believes in the age-old tradition that it is entitled to have its legislation dealt with, even though it has only 16 votes on the floor and members opposite collectively have 17, if they wish to use their votes in that way. If it is the intention of the Leader of the Opposition always to act in the way he did, and if what happened this afternoon was a deliberate course of action on his part, rather than a temporary aberration, the House must very seriously assess where it is going. It will be quite impossible for a Chamber of this type to progress in a proper and sensible way if the Leader of the House is to be the Leader of the Opposition. That would raise all sorts of interesting issues for the House in the future.

I am working on the basis that Hon Tom Stephens was simply a little quick off the mark this afternoon when he sought to avoid debating that order of the day; that he really wanted to wait until we got onto the Bill and then move for it to be adjourned so he could raise a number of issues that he wanted to debate. Without casting any aspersions on him or even suggesting that he had any reason other than a slight misunderstanding of what could have happened this afternoon, I will leave it at that. I have no doubt in due course he will tell me whether I have misunderstood him. I look forward to hearing what he has to say.

It is important for our new members, particularly those in the minor parties who have not been in this Chamber before, to understand that some traditions are not written down, and that some ways in which the House operates are not part of the standing orders or the law of the land, but are conventional and are necessary for Chambers to operate successfully and properly. If members opposite wanted to ensure this place did not work, it would not be impossible. It would be easy to stop this House from operating if that was what members opposite wanted to do. We require the cooperation that Hon Christine Sharp talked about today to make this place work properly. That means everybody understanding the basic rules and going out of their way to try to ensure those rules are all abided by.

I hope that as the days go by we can get on with some business, because the Government has a substantial legislative program that needs to be addressed. As I have said in a letter to members of the parties on the other side, I do not want to sit in this place all night if that can be helped. I look forward to Hon Tom Stephens' response.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [10.30 pm]: It is true that I have learnt a lot today about the way this House will operate. I hope that all of those lessons of today will be lessons that will teach everybody in this place something. The Leader of the House is right, it was not my wish that the way I proceeded would have the precise effect it did. It is my preference to leave the running of the House and the order of the House's business in the hands of the Government. Now that the Leader of the House has pointed out the process that could have been adopted, with hindsight I agree that is a process that I probably would have adopted. I was regrettably operating on the hop, which is the way things do operate around this place, and for a range of reasons - the speed with which one can get advice and the need then to quickly act on advice to ensure one has not lost the opportunity.

I will put on the record again that since the House sat on 6 March we have had 28 items on the Notice Paper. The Government has passed eight Bills through this House and it clogged up the House with one Bill - the Labour Relations Legislation Amendment Bill - for three weeks.

Hon N.F. Moore: It is a little unfair to say that. We did not spend much time talking about it.

Hon TOM STEPHENS: The Leader of the House knew what would happen if he was determined to deal with that Bill. He had an opportunity to deal with a range of alternative government legislation. The Leader of the House has not yet indicated that at any time over the next three weeks he intends to allow any item of non-government business to be given priority or to be dealt with and brought to resolution between now and the House rising.

Hon N.F. Moore: All you need do is ask. I have written to you and said what is the Government's legislative program.. Just tell me. You have never found me difficult to get along with.

Hon TOM STEPHENS: I appreciate that invitation, and there are a couple of items I would like brought forward to early resolution, some of which we have given notice of today.

Hon N.F. Moore: I do not think we will be dealing with the Bill to do with industrial legislation this week.

Hon TOM STEPHENS: I am sorry if that is the case. However, we moved some other items today. If the Leader of the Government were to give priority to those items next week he would find some interest on this side of the House. Answers such as that which was delivered to the House by Hon Max Evans, the Minister for Finance, are provocative. I know that Ministers are entitled to give whatever answers they like. However, at some stage in this place we will all need to work through the processes to make sure that Governments are accountable.

I will repeat something that a number of us in this place have heard, including the Leader of the Government, and you, Mr President. It is something that the Leader of the Opposition, Dr Gallop, said at the University of Notre Dame. It is something that members in the Labor Party feel passionate about. The Government knows, as we know only too painfully, that the heart and soul, and almost the guts of the Labor Party, has been ripped out by our experiences of the 1980s and the way the electorate responded to the mistakes of which our party was guilty while in government. We have learnt a very painful lesson from that.

The determination on this side of the House is to ensure that this place is reformed to the point where all Governments - current and future - are never again in the position of being left without the scrutiny which they deserve to make sure that there is good government in perpetuity as a result of the scrutiny and the opportunities that are available through this place. We have learnt that lesson and we are determined that it not be lost. That whole exercise would be altogether too futile, too much of an experience in vain, if at the end of it, having suffered not only near destruction but also our worst result since 1917, we were not left with the opportunities of building on the reports of the Commission on Government and the Royal Commission into Commercial Activities of Government and Other Matters to put in place a system that would guarantee the scrutiny of Government.

I know that members on both sides of the House are determined to make a difference, to change the system, to make sure that there is scrutiny of the Government and that the way things have always been done will not be the way things will continue to be done. All I hope is that the Government will now at least ensure that we on this side of the House are not driven into collective action to consider taking the steps that the Leader of the House correctly points out are serious steps. I get the impression from members on this side of the House that we would be most reluctant to go down that path as a standard process.

It was not intended tonight that we would be flagging a new direction down which the Labor Party would be wanting to lead the Opposition as a standard approach. The Leader of the House has been generous in correctly leaving open that option, which is the accurate presentation of the way it was; that is, a hastily grabbed device to try to find a way of tackling an issue, a process which would not be the device I would use if faced with the opportunity again. I would use the approach that the Leader of the House has suggested.

Hon E.J. Charlton: There is an even better way. I remember that for years I would ask the leader Hon Joe Berinson when we could deal with a motion. He would say, "I have to get this out of way and as soon as that happens we will deal with it." That is the way we want to go.

Hon TOM STEPHENS: Regrettably, it was a quick chain of events, where I went around to check something with the Leader of the House and found that things were not as I understood them to be. I then became aware of a message that I had not previously been privy to, and it caught me on the hop.

Hon N.F. Moore: We all have those problems from time to time.

Hon TOM STEPHENS: Yes, and I endeavour to learn fast. I do not think I have all of the attributes necessary to do a splendid job.

Hon E.J. Charlton: Do as my wife tells me and take a deep breath.

Hon TOM STEPHENS: I am resolute about wanting to achieve some objectives. On this side the Government will see absolute determination to go in a particular direction. I will need assistance of people on both sides of the House to do my job appropriately, and especially on this side of the House, so I can achieve that which I understand is the collective agenda of many of us, certainly on this side of the House; that is, making sure that there is light thrown onto the activity of government at the earliest possible opportunity. I will be working ruthlessly towards that end over the next three weeks.

Hon E.J. Charlton: That Bill was brought here twice by your Government.

Hon TOM STEPHENS: The Minister for Transport is right. I will look forward to the answer to the question that I asked today - perhaps during question time tomorrow. Perhaps the Minister will not find me quite as excitable as I was this evening. I will ask the question in a different format so it can be legitimately asked and answered. I hope that the Leader of the House gains some reassurance from my comments -

Hon N.F. Moore: I hope so, for the sake of the House.

Hon TOM STEPHENS: I have made an effort to assure the Leader of the House that the Labor Party's preference is for the Leader of the House to remain in control of the agenda for the House. It would be regrettable if we reached the point where he exercised that control to a level where the non-government agenda in this place was never dealt with -

Hon N.F. Moore: You know that will not happen. All you need to do is say what you want to do - as long as we do not attend only to your business.

Hon TOM STEPHENS: I have only a couple of items. As long as we can bring them to a resolution, the Leader of the House will find me a very -

Hon N.F. Moore: It may be necessary to sit longer.

Hon TOM STEPHENS: I think we can deal expeditiously with some of the Government's program if, in turn, some of the Opposition's program can be brought to resolution as well.

*Adjournment Debate - Fare Increases*

**HON J.A. COWDELL** (South West) [10.40 pm]: I have presented to this House what I consider to be one of the largest petitions ever from the Mandurah-Peel region. It contained over 5 000 signatures and objected to the Government's transport fare hikes, with increases of up to 150 per cent. Behind those 5 000 individual signatures were some very real stories of hardship. The Government has somewhat eased the harshness of its stated budget policies in this regard, but there is still a ban on concessional travel from Mandurah between 7.15 and 9.00 am, and the threats by the Premier in his Budget speech that ordinary public transport fares will increase by 30 per cent and concession fares by 60 per cent.

The Government has been insensitive to the needs of my constituents. I will give but four examples of letters from my constituents who signed the petition. A letter from Cheryl Brown reads -

I am writing on behalf of my eldest son, Ben Brown. Ben attends Edith Cowan University Mt Lawley and travels on the Mandurah bus to Perth daily. Previously Ben paid \$2 a day and now has to meet the fare increase recently introduced. But to make matters worse, he can no longer purchase an all day ticket, as he travels before 9 am. He is unable to receive Austudy and therefore we help him meet his weekly expenses. He cannot afford to support himself in Perth. We have five children, all at school, and our second child will begin university in 1998. Therefore we will encounter the same transport problems with him.

I hope that you can support us in this matter. We look forward to hearing from you.

Another letter is from Kim Holst, a local student, and reads -

My name is Kim Holst and I live in Mandurah. I am studying Broadcasting at the W.A. School of Art & Design in Northbridge, Perth.

Could you please tell Mr Eric Charlton that I think his 150% fare increase for MANDURAH, TWO ROCKS & YANCHEP only is unfair. I now must pay \$25 per week in fares instead of \$10 per week and as such I can no longer afford to buy my lunch. Could you please ask Mr Charlton if he would like to go without lunch 5 days a week because it's his rule and if I have to then he should as well.

The next letter is from D.M. Kendall and reads -

We do voluntary work up at the WA OSTOMY ASSN every Thursday as I have a colostomy.

They are only open Tuesday & Thursday 9.00 to 1.00 PM. We have to catch the 6.30 or 6.23 bus to get there on time as it's at Mt Lawley. It used to cost us \$4 now costs \$10.00. We didn't mind \$5 but \$10 is getting a bit too much for us to pay as we are on the pension. Do hope something is going to change the existing time for an all day concession or will be unable to do our voluntary work which we enjoy.

Finally, a letter from a University of Western Australia student Eloise Kyneur living in Mandurah reads -

I am writing to you to explain how the recent changes to public transport fares have affected me. I attend the University of Western Australia full-time . . . I have classes 4 days a week. The cost for me each day was \$2.00 therefore a total of \$8.00 per week under the previous system. The fares have dramatically increased and are disadvantaging me financially. Under the new system of no "all day tickets" before 9.00 am I must buy a ticket to Perth at a cost of \$2.50. I reach Perth at approximately 8.15 am. I must then buy another ticket to the University, which will cost me a further 80c. Returning home I must buy yet another ticket, this time an "all day ticket" at the cost of \$2.50. For one way my travel expenses have increased to a weekly cost of \$23.20 a total increase of \$15.20 a week. I receive Austudy which gives me \$174.30 per fortnight, deduct travel expenses and I have \$127.90 per fortnight. After I pay board I am left with \$47.90 a fortnight or \$23.95 a week. (This would barely cover the cost of one textbook for my course)

The increase to fares in the Southwest are effecting pensioners and students dramatically. These are the people less able to afford these extra expenses. It must be remembered that to myself and others in a similar

position the public transport system is our only transport system. Instead of punishing those who use public transport they should be thanked, as they are reducing levels of air pollution, decreasing governmental expenditure on upgrading road systems.

I request that you do your utmost to alleviate the situation.

They are some of the stories behind the 5 000 names on the petition from the Mandurah region. The threat still hangs over the heads of my constituents. Although some alleviation has occurred there is still the ban on concessional travel between 7.15 and 9.00 am. The saving for the Government must be negligible, and the ban should be lifted. The threat of increasing ordinary public transport fares by 30 per cent and concession fares by 60 per cent will adversely affect those in the outer areas, the eight zone of the metropolitan area, and constituents particularly in the Mandurah and Murray region. I bring these concerns to the attention of the House as requested by my constituents.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [10.47 pm]: I welcome the comments of Hon John Cowdell, because sooner or later we must place the facts on the table. Obviously the change in the use of the all day ticket prior to 9.00 am had an immediate effect. Because we did not have specific information regarding the number of people involved and their travel movements, it was always our intention to respond to the effects of the change. We would consider the number of people affected on the various routes, remembering that the people travelling the longest distances would be most affected. People would not use an all day ticket to cover fewer than five zones, because they could reach their destination much cheaper by paying an ordinary fare.

I should ask Hon John Cowdell at what time the people referred to in those letters depart Mandurah.

Hon J.A. Cowdell: Some of them before 7.15 am but some after.

Hon E.J. CHARLTON: People departing before 7.15 am are not affected, other than by the general increase in fares across the board. A very important point is that this Government provided the express bus service. The people of Mandurah have not had that service since the service began. Politics is politics and if someone can get people to dislike this Government that is perhaps fair.

Hon J.A. Cowdell interjected.

Hon E.J. CHARLTON: Hon John Cowdell should hear me out and tell me whether I am right. This Government put in place an express bus service which leaves Mandurah at 7.15 am. Under the old system these people probably would have had to leave at 6.30 am. The bus had an around about way of getting here; it called into Kwinana and Rockingham as well as going down a number of streets along the way. It went on a Cook's tour to get to Perth. The whole thrust of putting in place an express bus service during peak hours was to enable people to travel straight through to Perth. I think the express bus makes approximately eight or 11 stops in Mandurah. It would be better to have fewer stops in Mandurah rather than trying to be all things to all people. People who want to use it may have to drive or get driven a little further but they would arrive in Perth even sooner. The response to the express buses has been overwhelming. We have made a commitment to increase them as soon as we get additional vehicles. We are negotiating to purchase from the Eastern States a number of high quality, low floor, best comfort, double decker buses to use on the Mandurah run.

The full fare paying passengers have told the Department of Transport that they cannot get on the buses in the morning because they are taken up with concession holders, some of whom could do their travelling at other times of the day. We must try to balance these needs. I acknowledge Hon John Cowdell's concerns about those people who are adversely affected. However, he and other members, together with the Government - it will send out information pamphlets which will cost money and people will accuse it of putting out propaganda - have a responsibility to communicate with people in those areas.

Hon John Halden: We do not argue with that; we are very reasonable.

Hon E.J. CHARLTON: We are all in this together and we want to maximise the service. Every time the express bus service reaches its capacity I will try to ensure we put on another vehicle to cater for the community's need. Two things must be acknowledged: The Government put on the express bus service and people will be able to use an all day ticket.

Hon John Cowdell referred to concession passengers riding from Mandurah to Mt Lawley and return for \$2.

Hon J.A. Cowdell: That was the old fare; there has been a fare increase since.

Hon E.J. CHARLTON: That is correct; and that is what Hon John Cowdell complained about. Every day of the week, whenever it suited them, those concession passengers could travel to the city and return for \$2. That was tremendous and no-one wanted to change it. However, what does the Government want to do? A new fleet of low

floor buses has been ordered which will lead Australia in catering for the disabled community with the best and highest quality public transport system.

Last night at the launching of the Malaysian Airlines new Boeing 777 jet a lady to whom I was speaking said that our public transport was the best in Australia. I was surprised to hear her say that because it has not reached the standard we want by a long stretch. The new vehicles are yet to arrive, five new trains have been ordered and the new ferry will be operational in a couple of weeks to replace the old one and we will probably get another one.

We have put on express buses and we have retained the concession fare up to 7.15 am. If people want to get to Perth in time for school they will have to leave by 7.15 am anyway. Regarding the people who help out in community organisations, which is marvellous, we must balance out their needs with the needs of people leaving at peak hours when the buses are full. Despite the restrictions we have placed on the concession times, it looks as though we will have to provide two double decker buses to cater for them. Although I acknowledge that those people found it difficult when they had no opportunity to ride before 7.15 am without paying the full fare, \$2 or \$2.50 for an all day ticket was not intended to be used as a concession fare. It was available for people to do their shopping and go home again. As great as it might have been for Western Australia, no other community around the nation has it.

As I have said on many occasions I invite members opposite to come up with positive suggestions. I have asked the Minister for Health to try to deal with the hospital issue so that not everyone is trying to ride at peak times. While the bus lane is open more people travel to the city on buses than they do in the other three lanes by car. It is the Government's intention to extend the bus lane all the way to the Murdoch Park-and-Ride over Mt Henry Bridge. We want to incorporate circular routes to the hospitals and the learning institutions. When they are in place the service will be better. However, we must maximise it for all passengers.

Question put and passed.

*House adjourned at 10.57 pm*

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**QUESTIONS ON NOTICE**

**EDUCATION - PRIMARY SCHOOLS**

*Budget*

29. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) What was the capital works outlay for -
  - (a) Mindarie Primary School;
  - (b) Neerabup Primary School; and
  - (c) Secret Harbour Primary School,
 and in what financial year was the money spent?
- (2) What is the recurrent budget for each school?
- (3) Are the leases for these schools paid from the department's recurrent budget?
- (4) If yes, how much are they?
- (5) What are the terms and conditions of each lease?

Hon N.F. MOORE replied:

- (1) At present, no capital expenditure has been incurred by the Education Department on those projects. However, the anticipated expenditures on items such as furniture, telephones, security fencing and transportable toilets by 30 January 1997 are as follows:

Mindarie Primary School	\$213 000
Neerabup Primary School	\$ 99 000
Secret Harbour Primary School	\$121 000

- (2) The 1997 estimated recurrent budget for these schools is:

Mindarie Primary School	\$359,000
Neerabup Primary School	\$295,703
Secret Harbour Primary School	\$376,415

- (3) Yes.
- (4)-(5) The terms and conditions of the leases are similar to those contained in standard commercial leases. The lease payment for 1997 and the term of the lease for each of the schools are as follows:

Mindarie Primary School	\$ 60 000 - 4 years
Neerabup Primary School	\$ 54 000 - 3 years
Secret Harbour Primary school	\$100 000 - 5 years

**FUEL AND ENERGY - WARMUN COMMUNITY**

*Power Supplies - Cost*

52. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) What steps has the Government taken to address the power needs of the Warmun Community in the East Kimberley?
- (2) Will there be an opportunity for the Warmun Community to be connected to the hydro power grid operating in the North East Kimberley?
- (3) If not, why not?
- (4) Is the Minister for Energy aware that people living and working within the Warmun Community, including Catholic nuns providing much needed adult education and drug abuse programs, are currently having to pay exorbitant power bills that are destroying their financial capacity to continue in their work?
- (5) When will the Minister take the necessary steps to alleviate the crippling financial burden of the provision of power supplies on this community?

Hon N.F. MOORE replied:

- (1) The State Government via the Aboriginal Affairs Department and Western Power provides a repair, maintenance and breakdown service to Warmun community to ensure the efficiency and reliability of the power service at the community. In addition, Western Power has initiated discussions with Aboriginal and Torres Strait Islander Commission Regional Councils across WA towards a future partnering arrangement for the bulk purchase of fuel. If successful this initiative will make valuable contributions to the reduction of the cost of running the Warmun and other community power station. The State Government in conjunction with the Commonwealth has been involved in a joint inquiry into possible new arrangements for the provision of power to remote Aboriginal communities in WA. The final report which is due to be finalised in the near future will make recommendations which aim to address the concerns of communities such as Warmun.
- (2)-(3) Under arrangements that have existed between the State and Commonwealth Governments since 1986 the funding of power capital developments for Aboriginal communities is a responsibility of the Commonwealth. I am, however, aware of discussions between the Commonwealth and Ord Hydro on this matter. The member's queries in this regard would be more appropriately addressed by the Commonwealth Government.
- (4) Yes. The Warmun community which is responsible for the operation of the power station has decided to set power charges at a level that it considers appropriate to address funding cuts that have been made by ATSIC.
- (5) As stated in response to question (1), the State Government in conjunction with the Commonwealth is considering future possible arrangements for the provision of power to remote Aboriginal communities.

#### FISHERIES - ACCESS FEES

##### *Levels*

65. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Fisheries:

- (1) What has been the level of Fisheries Access Fees since, and including, 1992/93?
- (2) What is the estimated level of Fisheries Access Fees for 1996/97?

Hon E.J. CHARLTON replied:

- |     |         |             |
|-----|---------|-------------|
| (1) | 1992-93 | \$2 656 005 |
|     | 1993-94 | \$3 511 580 |
|     | 1994-95 | \$4 230 223 |
|     | 1995-96 | \$6 265 502 |
- (2) Estimated access fees for 1996-97 (Managed Fisheries) \$6.85m.

#### PORTS AND HARBOURS - OAKAJEE

166. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) When will the public environmental review for Oakajee be completed?
- (2) Does that review take into account the Kingstream project since it has been increased in size?
- (3) If construction of the steel mill is due to start in July this year, will the necessary studies on the port be finalised and checked by the Environmental Protection Authority before construction begins?
- (4) If not, why not?
- (5) If the Kingstream project is located at Oakajee, will this fast track the siting of other noxious industries there?
- (6) What community consultation process will take place prior to the final decision on -
  - (a) a port at Oakajee; and
  - (b) a heavy industry area at Oakajee?

Hon MAX EVANS replied:

- (1) The environmental review of the Oakajee Industrial Estate is anticipated to be completed by the end of May 1997.

- (2) The An Feng Kingstream Resources steel mill proposal is subject to a separate assessment for which the public review period closed on 31 March 1997. The Industrial Estate Review considers generic projects of a scale comparable with the steel mill proposal but does not consider any specific proposals.
- (3) The proposed Oakajee port will be subject to a full and proper assessment, independent of the steel mill proposal. Permission for construction to commence on the iron and steel plant cannot be given until all environmental clearances have been obtained.
- (4) Not applicable.
- (5) There is only one proposal before the EPA for the establishment of industry at Oakajee - the Kingstream Resources N.L./An Feng (Australia) Pty Ltd iron and steel project.
- (6)
  - (a) The proposed Oakajee port will be subject to a formal public review as part of the Public Environmental Review (PER) process for the Oakajee Industrial Estate.
  - (b) The Oakajee Industrial Estate was subject to a formal public environmental review process of 8 weeks in 1994.

#### EDUCATION - TEACHERS

##### *Transfer Applications*

269. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) In order of preference which are the most preferred -
  - (a) primary schools; and
  - (b) secondary schools,
 in the metropolitan area for transfer applications by teachers?
- (2) From each of the schools in (1) above, how many teachers have transferred from these schools in the metropolitan area in the last five years?
- (3) In order of preference, which are the least preferred -
  - (a) primary schools; and
  - (b) secondary schools,
 in the metropolitan area for transfer applications by teachers?
- (4) From each of the schools in (3) above, how many teachers have transferred from these schools in the metropolitan area in the last five years?

Hon N.F. MOORE replied:

- (1)
  - (a) Statistics are not available for individual primary schools but are available for education districts over the past two years only. Prior to that, transfers were processed manually and statistics of this nature were not kept. The most preferred metropolitan education districts for transfer by primary teachers applying for transfer for 1997 in descending preference order were as listed below:
    1. Swanbourne
    2. Melville
    3. Joondalup
    4. Whitfords
    5. Willetton
    6. Scarborough
    7. Peel
    8. Darling Range
    9. Bayswater
    10. Northam (schools in the metropolitan region within the Northam District)
    11. Perth South
    12. Alexander
    13. Cockburn
    14. Thornlie
    15. Armadale
  - (b) The most preferred metropolitan secondary schools for teacher transfer, in descending preference order, are:



1. Carine
2. Churchlands
3. Applecross
4. Rossmoyne
5. Hollywood
6. Leeming
7. City Beach
8. Perth Modern

- (2) (a) As for (1), statistics are available for the past two years only. The number of teachers who have transferred from primary schools in metropolitan education districts in the past two years are as follows:

	1996	1997
Swanbourne	24	28
Melville	18	24
Joondalup	42	43
Whitfords	19	25
Willetton	22	25
Scarborough	27	19
Peel	62	49
Darling Range	50	42
Bayswater	23	20
Northam (metro)	31	19
Perth South	17	19
Alexander	58	28
Cockburn	43	39
Thornlie	41	28
Armadale	33	22

- (b) The number of transfers from secondary schools is shown below for years 1996 and 1997. As for (1), statistics are available for the past two years only.

	1996	1997
Carine	3	5
Churchlands	3	5
Applecross	2	2
Rossmoyne	4	3
Hollywood	5	0
Leeming	1	4
City Beach	1	3
Perth Modern	1	4

- (3) (a) The least preferred metropolitan districts for primary teachers applying to transfer for 1997 were as follows, in descending order from least preferred to most preferred:

Armadale  
 Thornlie  
 Cockburn  
 Alexander  
 Perth South  
 Northam (metro)  
 Bayswater  
 Darling Range  
 Peel  
 Scarborough  
 Willetton  
 Whitfords  
 Joondalup  
 Melville  
 Swanbourne

- (b) The least preferred metropolitan secondary schools for teacher transfers are considered to be:

Swan View  
 Gosnells  
 Rockingham  
 Safety Bay  
 Maddington  
 Eastern Hills  
 Cecil Andrews  
 Armadale

- (4) (a) See (2) (a) above.

- (b) The number of transfers from these secondary schools is shown below for 1996 and 1997. As for (1), statistics are available for the past two years only.

	1996	1997
Swan View	1	6
Gosnells	6	8
Rockingham	5	4
Safety Bay	4	5
Maddington	1	6
Eastern Hills	4	6
Cecil Andrews	3	3
Armadale	2	4

FUEL AND ENERGY - ELECTRICITY

*R2 Tariffs*

276. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) In what towns are located the 85 businesses eligible for the R2 tariff?
- (2) How many such businesses are located in each of these towns?
- (3) In which towns are located the businesses which have increased their electricity consumption who will have to pay at an increased rate for their additional electricity consumption?

Hon N.F. MOORE replied:

I am advised by Western Power:

- (1)

Broome		Halls Creek		Port Hedland	
Carnarvon		Kununurra		Karratha	
Derby		Lake Argyle			
Esperance		Leonora			
Exmouth		Meekatharra			
Fitzroy Crossing		Wyndham			
- (2)

Broome	14	Halls Creek	2	Port Hedland	20
Carnarvon	7	Kununurra	15	Karratha	8
Derby	2	Lake Argyle	1		
Esperance	4	Leonora	1		
Exmouth	4	Meekatharra	3		
Fitzroy Crossing	3	Wyndham	1		
- (3)
  - Broome
  - Carnarvon
  - Denham
  - Derby
  - Esperance
  - Exmouth
  - Halls Creek
  - Kununurra
  - Leonora
  - Meekatharra

FISHERIES - DEPARTMENT

*Complaints*

294. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

- (1) How many complaints have been forwarded to the Fisheries Department in the years -
  - (a) 1995;
  - (b) 1996; and
  - (c) to the present date in 1997,

concerning the conduct of Fisheries Department Officers in their dealings with the public whilst discharging their duties?

- (2) Is a member of the public who makes a complaint against a Fisheries Department officer permitted to be given a full copy of the Fisheries Officer's response?
- (3) If not, why not?

- (4) Of any complaints made by members of the public within the years -
- (a) 1995;
  - (b) 1996; and
  - (c) to the present date in 1997,
- were there any occasions where Fisheries Department officers had been found to have acted in a less than satisfactory manner?
- (5) What action is taken when a Fisheries Department officer is found to have behaved in a less than satisfactory manner in their dealings with a client or a member of the general public?
- (6) What procedures are in place within the Fisheries Department to handle those instances where complaints are made about the conduct of Fisheries Department officers?
- (7) Are these procedures formalised (i.e. written) to the extent that they must be followed by the department in the investigation of complaints made by members of the public about Fisheries Department officers?
- (8) If there is such a procedure for the handling of complaints, is a written explanation of this procedure made available to a person who makes a complaint to the Fisheries Department about the conduct of its officers?
- (9) If not, why not?
- (10) Is it correct that officers of the Fisheries Department do not wear identification numbers and/or name tags as do Officers of the Police Department?
- (11) How many complaints, which have been forwarded to the Fisheries Department in the years -
- (a) 1995;
  - (b) 1996; and
  - (c) to the present date in 1997,
- concerning the conduct of Fisheries Department officers in their dealings with the public, have not been resolved by the Department but have been forwarded to the State Ombudsman?
- (12) Is it appropriate that a father and his 11 and 14 year old children were issued with a \$400 infringement notice for taking three abalone one minute before the season opened?

Hon E.J. CHARLTON replied:

- (1) The number of written complaints against Fisheries Officers received by the Fisheries Department Head Office in their dealings with the public for the following years are:
- (a) 1995- six
  - (b) 1996 - seven; and
  - (c) 1997 - two (to date)
- (2) It depends on the circumstances of the particular complaint and the material in the Fisheries Officer's report. However, material available through the Freedom of Information process is always obtainable.
- (3) Some complaints are resolved without a need to provide copies of the Fisheries Officer's reports. However, where copies of the Fisheries Officer's reports are provided to complainants, issues raised in such reports may be deleted that -
- (i) are not relevant to the actual complaints, such as matters of public interest; or
  - (ii) relate to an investigation of the complainant for a breach of the Fish Resources Management Act 1994.
- However, if the matter is not satisfactorily resolved by the Department and the complainant refers it to the Ombudsman's Office then all material is provided to that Office.
- (4) Yes.
- (5) Where Fisheries Officers are found to be performing their duties in an unsatisfactory way, then depending on the particular circumstances, the Department may:
- (i) provide counselling at supervisor or manager level;
  - (ii) provide specialist counselling or training;
  - (iii) formally reprimand the officer; or
  - (iv) take disciplinary action under the Public Sector Management Act.

- (6) Complaints against Fisheries Officers are investigated by supervisors, regional managers or senior compliance staff with the assistance of regional staff where necessary. A process is in place to deal with complaints, this being:
- (i) the complainant asked to detail complaint in writing;
  - (ii) the Fisheries Officers concerned are asked to respond in writing to the complaint;
  - (iii) the Department advises the complainant of the outcome of the investigation or undertakes further discussion with the complainant and may provide a copy of Fisheries Officer's response;
  - (iv) complainant asked to respond to Fisheries Officer's comments or other issues raised during investigation;
  - (v) further investigations undertaken if necessary;
  - (vi) complainant advised of outcome;
  - (vii) if a complainant is not satisfied with the outcome of investigation they are advised to refer the matter to the Ombudsman's Office.
- (7)-(9) The Department has employed a consultant who is currently developing a Policy and Standards Manual for the Department.
- (10) Section 178 of the Fish Resources Management Act 1994 requires Fisheries Officers, when exercising any power, to produce their Certificates of Appointment when requested to do so.
- (11) One during 1997.
- (12) No infringement notice has been issued to 11 or 14 year old children. An infringement notice has been issued to a person for taking abalone out of season.

#### FORESTS AND FORESTRY - PINE

##### *Volume*

297. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to question on notice 962 of October 31, 1996 -

- (1) What is the total volume of standing timber in pine forests in State plantations which is older than 30 years, for each of -
  - (a) pinus radiata; and
  - (b) pinus pinasta?
- (2) Where does it say in Department of Conservation and Land Management documents that pine is in protected buffer zones, and how much is in such zones?
- (3) Where are these protective buffer zones?
- (4) How much pine timber is there in the whole of Western Australia in both hectares and volume?

Hon MAX EVANS replied:

- (1)
 

(a)	approximately	115,000 sq metres available
(b)	approximately	1,098,000 sq metres available
- (2) Buffers for fire protection, landscape values, and other reasons are specified in the Pine Management Guide and the Fire Operations Manual. The area of these buffers is changed regularly to meet strategic and local operational requirements.
- (3) Burning buffers are established in accordance with the Fire Operations Manual and occur mostly in the Pinus pinaster plantations. Other buffers are either temporarily or permanently established for a variety of reasons (such as research, recreation, and historical sites) and occur throughout the plantation estate.
- (4) The area of pine plantation in Western Australia was approximately 88,000 hectares as at 31 December 1995. The volume of timber standing on this area is not known.

#### FUEL AND ENERGY - GOLDFIELDS GAS PIPELINE

##### *Cost and Financing*

323. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:

- (1) Has the Minister for Resources Development received comprehensive information of the cost and financing of the Goldfields Gas Pipeline since it was completed last year?

- (2) If not, why not?
- (3) If yes, when will a reviewed 'indicative tariff schedule' be available based on the information in (1) above?

Hon N.F. MOORE replied:

- (1) No.
- (2) The actual and final construction cost of the Goldfields Gas Transmission Pipeline is still being confirmed and is not expected to be finalised until mid year.
- (3) Not applicable.

#### FUEL AND ENERGY - GOLDFIELDS GAS PIPELINE

##### *Indicative Tariff Schedule*

324. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:
- (1) Has the Minister for Resources Development approved any changes to the 'indicative tariff schedule' under schedule (1) of the Goldfields Gas Pipeline Agreement Act 1994?
  - (2) If yes, when and what changes were made?

Hon N.F. MOORE replied:

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

#### PARKS AND RESERVES - NATIONAL

##### *Greater Beedelup*

335. Hon BOB THOMAS to the Minister for Finance representing the Minister for the Environment:
- (1) Which groups has the Minister for the Environment met with regarding proposals for a new national park called the Greater Beedelup National Park?
  - (2) On what dates did the Minister meet with those groups and who was present?
  - (3) What are the boundaries of the proposed Greater Beedelup National Park?
  - (4) What proportion of this area is already vested as -
    - (a) national park;
    - (b) nature reserve;
    - (c) multiple purpose State forest; and
    - (d) other?
  - (5) What proportion of each of those areas listed in (4) above are either listed or interim listed on the National Estate?
  - (6) Is it proposed to change the vesting of any of the areas listed in (4) above as a result of the Regional Forest Assessment process?
  - (7) If yes, what are those changes?
  - (8) What is the size of -
    - (a) Carey Block;
    - (b) Giblett Block;
    - (c) Beavis Block; and
    - (d) Beedelup National Park?
  - (9) How many hectares in -
    - (a) Carey Block;
    - (b) Giblett Block; and
    - (c) Beavis Block,
 are available for logging at some time in the future?

- (10) What is the size of the area of old growth Karri in national parks or nature reserves in -
- the Pemberton Conservation and Land Management district;
  - Manjimup CALM district;
  - Nannup CALM district; and
  - Walpole CALM district?

Hon MAX EVANS replied:

- Greater Beedelup National Park Society, Warren Environment Group, Pemberton Tourist Operators Association, South West Tourism Association, Forest Protection Society, Forest Industries Federation (WA) Inc, Manjimup Aboriginal Corporation, WA Small Business Association, Manjimup Shire Councillors, Manjimup Ratepayers Association, Manjimup Chamber of Commerce, Conservation Council of WA and representatives of local businesses and companies.
- Meetings were held on numerous days in Perth during February and March. Many of these groups were contacted during an extensive field tour in the Pemberton area on 25 February. Over 200 people were met on that day.
- The boundaries of the proposed Greater Beedelup National Park are depicted on a map contained in a report compiled by the Friends of Giblett. The proposal includes Beedelup National Park, Strickland Nature Reserve, Giblett State forest, Beavis State forest, Carey State forest and a section of the Donnelly River Valley which includes parts of Graphite and Gray State forest blocks.
- Tenure is as proposed in the Forest Management Plan 1994-2003.
  - 1,790 hectares
  - 1,700 hectares
  - 15,170 hectares (includes freehold land in the name of the Executive Director)
  - nil
- The areas shown were either registered or interim listed on the National Estate (1994)
 

	Listed	Interim Listed
(a)	1,790 hectares	
(b)	1,700 hectares	
(c)		10,040 hectares
- (6)-(7) The regional forest assessment process has not been concluded. Some changes to tenure classifications are expected to arise from the RFA. It is not possible to forecast likely changes in the proposed Greater Beedelup National Park area.
- 5,450 hectares
  - 3,950 hectares
  - 4,800 hectares
  - 1,790 hectares
- Under the current forest management plan the maximum areas that will be available for harvest in the future are:
  - 4,180 hectares
  - 3,310 hectares
  - 2,880 hectares
- There are several definitions of old growth. The definition to be used for karri will be determined through the RFA process. Maps of old growth karri will be published during the RFA.

#### FUEL AND ENERGY - GAS

##### *Pipeline - PGT Australia*

366. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal: What objection has the Minister for Energy to the company PGT Australia applying for approval to build and operate a billion dollar gas pipeline from the North West Shelf to the south west of Western Australia?

Hon N.F. MOORE replied:

None.

FUEL AND ENERGY - GAS

*Pipeline - PGT Australia*

367. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal: Does the Minister for Energy dispute that the proposed 1600 kilometre gas pipeline would slash the delivered cost of gas to the south west of Western Australia by more than 30 percent?

Hon N.F. MOORE replied:

Yes. The delivered cost of gas comprises the cost of gas plus the cost of gas transportation. I can find no basis to assume the proposed pipeline will reduce either of these costs by more than 30 per cent.

FUEL AND ENERGY - GAS

*Pipeline - PGT Australia*

368. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal -

- (1) Does the Minister for Energy dispute that PGT Australia has identified between \$2b and \$5b of industrial development within the pipeline's service area that needs to be serviced?
- (2) What are the Department of Resources Development estimates of identified industrial developments each year to the year 2009/10?

Hon N.F. MOORE replied:

- (1) The Minister for Energy is not able to speak for PGT Australia in respect of such an assessment.
- (2) The Department of Resources Development does not specifically estimate or identify industrial developments on a yearly basis. DRD uses three headings to bracket resource projects, they are - commissioned projects; committed projects; and projects under consideration. Details relevant to these three categories are available in the DRD "Prospect" magazine, which is updated on a quarterly basis. [See paper No 492.]

FUEL AND ENERGY - GAS

*Pipeline - PGT Australia*

369. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal -

- (1) Does the Minister for Energy dispute the claim by PGT Australia in its press release of 9 February 1997, that "industrial development in the South West of Western Australia is constrained by the lack of available gas"?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1)-(2) It is not appropriate for the Minister for Energy to comment on opinions expressed by a private company.

FUEL AND ENERGY - GAS

*Pipeline - PGT Australia*

370. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal -

- (1) Does the Minister for Energy dispute or doubt projections by the Department of Regional Development for a demand for 1400 terajoules per day by the year 2005/06?

- (2) If not, how will this demand be serviced other than by a separate pipeline?
- (3) If yes, what estimate does the Minister accept as projected gas demand by the year 2005/06?

Hon N.F. MOORE replied:

- (1) I am not aware of any such projection by a Department of Regional Development.
- (2)-(3) Not applicable.

#### FUEL AND ENERGY - GAS

##### *Pipeline - PGT Australia*

371. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the PGT Australia gas pipeline proposal: What cost or financial risk is there to Western Australian taxpayers from the PGT Australia proposal to build and operate a pipeline between the North West Shelf and the south west of Western Australia?

Hon N.F. MOORE replied:

The PGT Australia proposal exposes Western Australian taxpayers to a financial risk on the sale of part or all of the Dampier to Bunbury Natural Gas Pipeline.

#### ENVIRONMENT - SPILLAGE

##### *Kalgoorlie Consolidated Gold Mines Pty Ltd*

383. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to question on notice 961 of 30 October, 1996 and question on notice 171 of 11 March, 1997 and the response of the Minister as follows - "Therefore, no estimate of an 'affected' area was made" -

- (1) Given that a "Notification of a Tailings Spill of Fimiston Plant" dated 22 October, 1996, sent from Kalgoorlie Consolidated Gold Mines to the Department of Environmental Protection states that "Approximately 2 000 square metres of already distributed land was affected", has the Minister misled the Parliament?
- (2) If not, why not?
- (3) If yes, why did this occur?

Hon MAX EVANS replied:

- (1)-(2) No, because from the Department of Environmental Protection's perspective, the environment was not affected as the spillage was contained within areas designated for mining related purposes.
- (3) Not applicable.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Substance Use Counselling*

387. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the substance use counselling in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?



Hon PETER FOSS replied:

- (1) Currently six. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Michael Collins  
Cecilia Byass  
Michael Collins  
Kaye Cook  
Jamie Robson  
Cecilia Byass
- (3) \$ 8 775  
\$13 000  
\$ 6 600  
\$31 686  
\$31 200  
\$16 000.
- (4) (a)-(b) The program content and delivery mode for these services have recently been revised. Comparison of in-house costs and the contracted cost are therefore not able to be accurately compared. Costs are projected to be similar.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Laundry Chemical Service*

388. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the provision of laundry/chemical services in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -  
(a) savings; or  
(b) additional costs,  
have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Jasol Australia.
- (3) \$10 000 estimate.
- (4) (a)-(b) The provision of a laundry chemical service has always been provided by the private sector and the cost depends on the contract rate at the time and the amount of laundry processed.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

GOVERNMENT CONTRACTS - PRISONS

*Skills Training in Aggression Control*

390. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for skills training in aggression control in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) One. Note: Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) CentreCare.
- (3) \$140 000.
- (4) (a) The skills training and aggression control program has always been contracted to the private sector. Savings relate to the delivery of programs on an 'as needed' basis without tying up resources in on-going staffing and administrative costs.  
(b) Nil.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

GOVERNMENT CONTRACTS - PRISONS

*Waste Collection*

391. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for waste collection in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Volich Waste Contractors.
- (3) \$2,496.
- (4) (a) The contract was issued following the closure of the local landfill site and saves the prison approximately twelve hours of prison officer time per week, reduced fuel and running costs of the

prison tip truck, eliminates tip fees of approximately \$90.00 per week and reduces the risk of prisoners manually handling full rubbish bins into the rear of a tip truck.

- (b) Nil
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Addiction Behaviour Training*

393. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the provision of addiction behaviour training in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -  
 (a) savings; or  
 (b) additional costs,  
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) William Montgomery Pty Ltd.
- (3) \$31 920.
- (4) (a) Nil.  
 (b) This is a new initiative.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Veterinary Services*

395. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for veterinary services in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -  
 (a) savings; or  
 (b) additional costs,  
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.

- (2) Murdoch University.
- (3) The value of the contract varies depending on the type of treatment provided, the medication prescribed, the cost of overnight stays etc.
- (4)
  - (a) Minor savings have been achieved due to the 'one stop' shop nature of the services provided by the Murdoch University.
  - (b) Nil.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

GOVERNMENT CONTRACTS - PRISONS

*Air Charter Services*

396. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for air charter services in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Two.
- (2) Great Western Aviation and Skippers Aviation.
- (3) \$60 816 and \$72 540 respectively.
- (4)
  - (a) Not applicable - new service
  - (b) Not applicable
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

GOVERNMENT CONTRACTS - PRISONS

*Family Support Services*

397. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the provision of family support services in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Kindred - Family Support Centre Bandyup Prison.
- (3) \$85 642.
- (4)
  - (a) Family support services (Visitors Centre) at both Canning Vale and Casuarina Prisons have been provided by a non-Government agency for a number of years. Service was not previously provided at Bandyup.
  - (b) Not applicable - see 4(a).
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Conflict Management Training*

398. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for conflict management training in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Aragon and Associates.
- (3) \$4 960.
- (4)
  - (a) This service has been provided by a contractor for a number of years and therefore no direct comparison can be made.
  - (b) See 4(a).
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Counselling and Assessment of Sex Offenders*

401. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the counselling and assessment of sex offenders in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?

- (4) What -  
 (a) savings; or  
 (b) additional costs,  
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently five. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Goldfields CentreCare  
 Ms Denise Cull  
 Mr Steve Jobson  
 Geraldton Sexual Assault Referral Centre (Inc)  
 Ms Kaye Cook
- (3) \$ 7 680  
 \$21 662  
 \$ 7 680  
 \$ 4 800  
 \$46 392
- (4) (a) Not applicable - see 4(b).  
 (b) These services are in addition to in-house services provided by the ministry.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

#### GOVERNMENT CONTRACTS - PRISONS

##### *Prison Based Counselling Service*

402. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for the prison based counselling service for victims of sexual assault in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -  
 (a) savings; or  
 (b) additional costs,  
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Currently one. Note: Since 1993 numerous contracts have been awarded and details of these are not readily available. I am not prepared to direct the considerable resources to obtain this information.
- (2) Sexual Assault Referral Centre.
- (3) \$21 060.
- (4) (a) This service requirement has been provided by the private sector for a number of years and therefore there is no comparative data available.  
 (b) See 4(a) above.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

## GOVERNMENT CONTRACTS - PRISONS

*Fleet Management*

403. Hon TOM STEPHENS to the Minister for Justice:

- (1) How many contracts have been awarded for fleet management in prisons and juvenile detention centres since February 1993?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,
 have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of private contractors instead of by Government?

Hon PETER FOSS replied:

- (1) Two (Whole of Government).
- (2) Leaseplan Australia Pty Ltd.
- (3) Approximate average \$42 000 per month.  
Approximate average \$25 000 per month.
- (4) (a) Whole of Government saving approximately \$10m per annum.  
(b) Nil.
- (5) Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractors' performance/standard of goods delivered, and for incurring costs associated with contract performance.

## GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

*Funding*

423. Hon TOM STEPHENS to the Leader of the House representing the Minister for Employment and Training:

- (1) What programs are conducted in the Minister for Employment and Training's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon N.F. MOORE replied:

- (1)-(4) Job Link - Job Link is a community based employment service which assists both industry and job seekers. The projects have strong links with industry, with over 3 000 employers registered with the network of projects. Projects place particular emphasis on job-seekers with special needs including Aboriginal people. Services provided include:

- employment counselling
- work experience placement
- training in vocational skills
- advice and assistance with job search techniques
- employment placement
- referral to other services available to job seekers
- support for school leavers as they attempt to access employment, education and training places
- advice to industry

The projects are also successful in attracting Commonwealth Government and other available funds to deliver employment services to their client groups. Projects also provide a regional counselling and referral service to school leavers and encourage co-operation across different programs, reducing confusion for

young people resulting in more effective use of regional youth services and resources. A significant activity in the area of youth unemployment is the development and maintenance of the School Leaver Program, aimed at assisting young people in their transition from school to employment.

Job Link projects assist over 30 000 people each year, and place around 6 000 people into sustainable employment. A high percentage of job-seekers are also placed into training or further education. Job Link is funded by the State Government. Annual funding to the Job Link program is \$3.4m to a network of 37 projects.

#### Aboriginal Economic and Employment Development Officer Program

The AEEDO program was developed in 1987. Its overall aim is to promote and assist the involvement of Aboriginal communities and organisations in developing locally based enterprise, employment and training initiatives. Each AEEDO has a number of broad responsibilities:

- To develop strategies to improve Aboriginal community access to existing employment resources.
- To assist in the development and co-ordination of effective training for Aboriginal people at a local level.
- To develop enterprise opportunities relevant to the local community.

The AEEDO Program was established as a pilot program with the aim of demonstrating an alternative way of delivering services to Aboriginal communities more effectively. A measure of the success of the program is that it was specifically mentioned in the Royal Commission Into Aboriginal Deaths in Custody Report as a good model for promoting economic independence and employment for Aboriginal people.

AEEDO is funded by the State Government. Annual funding to the AEEDO Program is \$.4m. Seven AEEDO projects Operate in WA.

#### Inwork Traineeship Program

The Inwork traineeship offers an 18-24 month fully subsidised work placement for young Aboriginal and Torres Strait Islander people who are unemployed and aged between 15 and 25 years. The Inwork traineeship is funded through the Aboriginal and Torres Strait Islander Commission and is being piloted in this state by the Western Australian Department of Training. The traineeship is a response to recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The intent is to provide employment for Aboriginal people aged between 15 and 25 who are assessed by the Aboriginal community as being at risk, and able to benefit from an employment placement. Preference will be for placements to be made within Aboriginal organisations. A key element of the Inwork traineeship is consultation with Aboriginal community organisations. All placements have to be endorsed by the ATSIC Regional Council. This recognises the intent that any program funded through recommendations of the Royal Commission is to empower the Aboriginal community.

Total funding for the program since its inception in 1994 has been \$2.5m funded through ATSIC. Community contribution would equal approximately \$2m.

#### Training in Remote Aboriginal Communities - Case Study of the Essential Services Maintenance Operator Training Pilot

The Essential Services Maintenance Operator Pilot Project is a joint initiative of the Commonwealth Department of Employment, Education, Training and Youth Affairs and the Western Australian Departments of Aboriginal Affairs and Training. It is designed to assist remote Aboriginal communities to develop the skills necessary to undertake the day-to-day management, operation and minor maintenance of essential services of power, water and waste water. The project was developed in cooperation with existing service providers, key State and Commonwealth agencies, relevant industrial parties and members of the Aboriginal community. It is a fully accredited employment and training package that consists of structured on-the-job and off-the-job training paid at an agreed interim award rate. On completion of the two year training period, successful trainees will have completed a recognised qualification to Australian Standards Framework Level Two. There are seven Aboriginal communities in the Kimberley involved in the project.

The Department of Training's training component is almost completed. Eight trainees completed their traineeships in December 1996 and it is expected the remaining eight will graduate in July/August this year, 1997. This project is funded through the AVTS (Commonwealth) with a budget of approximately \$620,000. The sponsoring agency is the Aboriginal Affairs Department.



### Essential Services Interstate Cooperative Project

The AVTS Essential Services Interstate Cooperative Pilot Project was set up in early 1996 and is a two year Australian National Training Authority funded joint venture between Western Australia, South Australia and the Northern Territory. The managing agent for the project is the Western Australian Department of Training, Aboriginal Services. The region selected for the implementation of the project is the central desert adjoining the junction of the borders between WA, SA and NT. The Aboriginal groups associated with this project are the Pitjantjatjara, Yunkunyatjara and Ngaanyatjarra people. The aim of the project is to enable remote communities to operate and undertake minor emergency and scheduled maintenance to their power generation, water and waste water systems. South Australia pulled out of the project at the end of last year. Their unused funds have been redistributed to WA and NT. It is estimated that the NT trainees will complete their traineeship either at the end of 1997 or early 1998 whilst WA will complete theirs in August 1998. This is an ANTA funded project with an allocation of \$774 660.

### GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

#### *Funding*

432. Hon TOM STEPHENS to the Leader of the House representing the Minister for Resources Development:
- (1) What programs are conducted in the Minister for Resources Development's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
  - (2) What are the details of these programs?
  - (3) What funds are made available to these programs?
  - (4) What is the source of those funds?

Hon N.F. MOORE replied:

- (1) The Department of Resources Development does not have as part of its corporate plan, programs specifically directed to assist and advance the welfare of Aboriginal persons. It does, however, provide liaison where appropriate between resource project developers and Aboriginal communities on matters relating to the Aboriginal Heritage Act and the Native Title Act.
- (2)-(4) Not applicable.

### FUEL AND ENERGY - GAS

#### *Kalgoorlie-Boulder - Funding*

453. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the \$3m allocation by the State Government towards a project to supply reticulated natural gas to Kalgoorlie/Boulder -

- (1) How much funding is being allocated in the State Budget towards this project?
- (2) For what specific purposes has the money been allocated?
- (3) Have the funds come from the Consolidated Fund?
- (4) If not, have the funds been provided by AlintaGas?

Hon N.F. MOORE replied:

- (1)-(4) Nil. Funding of the project is being undertaken by AlintaGas.

### FUEL AND ENERGY - RENEWABLE ENERGY RESEARCH

#### *Grants*

456. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

I refer to the \$330 000 allocated in the State Budget for renewable energy research in the 1996/97 financial year -

- (1) Which institutions and persons have received, or will receive, grants in respect of this program?
- (2) With whom is collaboration being undertaken with these programs and who else is providing funds?

Hon N.F. MOORE replied:

- (1) Dr T Pryor, Murdoch University Energy Research Institute; Mr S Dear, Murdoch University; Mr S Phillips, Advanced Energy Systems Pty Ltd; Assoc. Prof. C V Nayar and Mr L Borle, Curtin University; Mr W B Lawrance and Mr C M Saunders, Curtin University; Assoc. Prof. G Ho, Murdoch University; Mr P Hawken, Eastern Energy Services Pty Ltd; Mr S Lucks, Solar Engineering Services; Dr R DeMarco, Curtin University; Mr D Langridge, Solarfocus.
- (2) Collaboration is being undertaken with Western Power Corporation, Power and Water Authority of the Northern Territory, Zinc Bromine Batteries Pty Ltd and other universities. Other funds have been provided by the grantees as well as by the Energy Research and Development Corporation, Power and Water Authority of the Northern Territory and Zinc Bromine Batteries Pty Ltd.

#### FORESTS AND FORESTRY - KARRI

##### *Area of Forest*

457. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

In light of the fact that the Forests Department stated in 1981 that there were 181 000 ha of karri forest in Western Australia (Bradshaw and Lush, Conservation of the karri forest, page 10); that 1987 Conservation and Land Management documents show there were 188 000 ha of karri forest in Western Australia (Regional Management Plans for the Central and Southern Forest Regions, pages 16 and 17) and that in response to question on notice 947 of 1996 the Minister for the Environment replied that there were approximately 198 000 ha of karri forest in Western Australia, would the Minister advise -

- (1) What is the correct figure for the areas of karri forest in Western Australia?
- (2) If the figure is in fact 198 000 ha, what is now the percentage of all remaining karri forest in -
  - (a) conservation reserves (ie. nature reserves, national parks and conservation parks);
  - (b) road, river and stream zones; and
  - (c) conservation reserves and road, river and stream zones?
- (3) What is the definition of karri forest?
- (4) Is the definition of karri forest the same in 1996 as it was in 1981 and 1987?
- (5) What is the minimum number of karri trees, per hectare, required for forest to be defined as karri forest and below which it is no longer defined as karri forest?
- (6) Has that number ever been varied?

Hon MAX EVANS replied:

- (1) The total area of karri forest on public and private land in Western Australia is approximately 200,000 hectares. This differs from the figure of 198 000 hectares given in response to question 947 of 1996 as it includes the final validation of the karri data set prior to the imminent publication of forest maps of the South West.

The difference between the current figure and the figure quoted in 1981 is due to the continual refinement of the database during that period. The figures in the Central and Southern Forest region Management Plans do not include the occurrence of karri in the South Coast Region.

- (2)
  - (a) 28%
  - (b) 14%
  - (c) 42%

The above figures include karri on private property and other public land. The percentage of karri forest on CALM managed land which is in conservation reserves and road, river and stream reserves is 46%.

- (3) Karri forest is made up of several components many of which reflect mixtures with other species. Stands with more than 20% karri are included in this instance.
- (4) Yes - in the context of this usage.
- (5) See (3) above.
- (6) For the purposes indicated in this question it has remained unchanged.

## INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

*Oakajee*

476. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

I refer the Minister for Resources Development to the proposed Mid West Iron and Steel project at Oakajee -

- (1) What is the projected direct employment to be created by the project during the -
  - (a) construction phase; and
  - (b) operation phase?
- (2) How many apprenticeships are expected to be created in each phase of the project?
- (3) What flow-on employment is predicted for each phase?
- (4) What is the predicted capital investment to employment ratio for the project, during both construction and operation phases, and how does this compare with the statewide average?

Hon N.F. MOORE replied:

- (1)
 

(a)	Peak construction steel plant workforce	approx 2000.
(b)	total operations workforce of project	up to 1000.
- (2) Not known.
- (3) Flow on employment from the Mid West Iron and Steel Project to other sections of the economy up to 3000.
- (4) An Feng Kingstream investment per construction on average number of construction employees approx \$1m per employee.  
AFKS investment per operations employee approx \$1.4m.

Statewide investment per construction and operations employee extremely variable between different industries. Average figures not known.

## WESTERN POWER - CONNECTIONS

*Population Centres*

477. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) How many population centres in Western Australia are not connected to the existing Western Power system?
- (2) Would the Minister for Energy list each centre?
- (3) What is the population involved at each centre?
- (4) Which of these centres are non-Aboriginal?

Hon N.F. MOORE replied:

- (1) Information to date indicates that at least 57 permanent population centres are not connected to Western Power. This includes Aboriginal communities and non-Aboriginal towns that are either self generating (ie. not supplied by a recognised supply authority) or supplied by a licensed supply authority. The Office of Energy is collating further information on this matter and the findings will be put in writing to the Member.
- (2) This information is extensive. The Member will be advised in writing.
- (3) Accurate current figures are not available. The most recent population figures relate to the August 1991 population census and the 1996 census figures will not be available for several months. The most recent available figures will be provided to the Member in writing.
- (4) In the 57 centres currently identified as not being connected to Western Power, the population is divided into approximately 70 per cent non-Aboriginal and 30 per cent Aboriginal. 40 of the centres are permanent Aboriginal communities.

MICKELBERG CASE - LIE DETECTOR TESTS

496. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Are the Attorney General and the Director of Public Prosecutions aware that Mr R Mickelberg underwent a series of tests in Perth over four days by Mr C Hudson who is an agent for Mr A Sapir, who operates the Laboratory of Scientific Interrogation in Phoenix, Arizona, USA, and advises police services throughout Australia on techniques as to whether or not someone is lying?
- (2) If yes to (1) above, what were the results of those tests?
- (3) Are the Attorney General and the Director of Public Prosecutions also aware that a Mr Sapir visited Perth to assist Operation Macro Taskforce in relation to the disappearance of Ms Sarah Spiers and Ms Jane Rimmer to test whether suspects were telling the truth?
- (4) Have either the Attorney General or the Director of Public Prosecutions received a copy of the affidavit of Mr A Sapir which was lodged in the Supreme Court on February 28, 1997?

Hon PETER FOSS replied:

- (1)-(2) This question relates to a matter which is presently before the court and is therefore subjudice.
- (3) This question relates to a matter which is operational in character and is therefore confidential.
- (4) This question relates to a matter which is presently before the court and is therefore subjudice.

MICKELBERG CASE - MR S. PALLARAS

*Witness Interviews*

497. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Did Mr S Pallaras from the Director of Public Prosecutions office phone a Mr Sapir or his agent, Mr C Hudson, in Canberra or Sydney to interview these experts in relation to the vital affidavit lodged on behalf of the Mickelbergs in the Supreme Court on Friday, 28 February, 1997?
- (2) Is it proper for Mr S Pallaras to interview or attempt to interview witnesses without the consent or knowledge of the appellant?

Hon PETER FOSS replied:

- (1)-(2) This question relates to a matter which is presently before the court and is therefore subjudice.

MICKELBERG CASE - RECORD OF INTERVIEW

*Electrostatic Deposition Analysis*

498. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

What action did the Director of Public Prosecutions take when he received, or was made aware of, the results of the Electrostatic Deposition Analysis of the record of interview tested by British forensic experts, Dr D Baxendale and Mr Robert Radley, which showed that the record of interview had been rewritten on two or more pages, and that there were two or more versions of the record of interview?

Hon PETER FOSS replied:

This question relates to a matter which is presently before the court and is therefore subjudice.

DRUGS - RIDGEWAY CASE

499. Hon MARK NEVILL to the Attorney General:

Following the High Court decision in *Ridgeway v Ridgeway* 129ALR 41 1995 -

- (1) What action has the Government taken to update the law in Western Australia in respect of gathering of evidence and entrapment in drug cases?

(2) What instructions have been issued and to whom in respect of this decision?

Hon PETER FOSS replied:

(1)-(2) No action was necessary.

#### MICKELBERG CASE - RECORD OF INTERVIEW

502. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Is either the Attorney General or the Director of Public Prosecutions aware that on 11 February, 1997 an affidavit was lodged in the Supreme Court from a Mr Michael Farrington, one of the world's leading experts on the detection of fabricated confessions?
- (2) Is either the Attorney General or the Director of Public Prosecutions aware that Mr Farrington's conclusion in his affidavit that the record of interview of Mr R Mickelberg taken by Detectives Hancock and Lewendowski cannot be accepted as the words of Mr R Mickelberg (ie. they are utterances of two or more people and therefore fabricated)?

Hon PETER FOSS replied:

(1)-(2) This question relates to a matter which is presently before the court and is therefore subjudice.

#### MICKELBERG CASE - APPEAL

##### *Funding*

503. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Is the Attorney General or the Director of Public Prosecutions aware that there are now four world renowned experts in two different forensic fields who all support the Mickelbergs' allegations that the police fabricated evidence against them?
- (2) In the light of the evidence produced by Mr R Mickelberg why won't the State now fund his appeal or the Director of Public Prosecutions recommend to the State to now fund his appeal?

Hon PETER FOSS replied:

- (1) This question relates to a matter which is presently before the court and is therefore subjudice.
- (2) Representations have been made to the Attorney General and he has made his decision.

#### MICKELBERG CASE - POLICE FINGERPRINT FILE

504. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Is the Attorney General aware that a second test has been effected on Exhibit 171 (the police fingerprint file of Mr R Mickelberg) by the world leading ink expert, Mr R Brunelle?
- (2) Is the Attorney General also aware that Mr R Brunelle's affidavit has been lodged in the Supreme Court on February 11, 1997?
- (3) If yes to (2) above, what were the results of those tests?
- (4) Is the Attorney General aware that the conclusion is that not only the inside writing on the file of Detective Henning is fabricated but that the outside writing on the file with the notation "Raymond John Mickelberg" is also fabricated?

Hon PETER FOSS replied:

(1)-(4) This question relates to a matter which is presently before the court and is therefore subjudice.

MICKELBERG CASE - FAX FROM DR D. BAXENDALE

505. Hon MARK NEVILL to the Attorney General:

I refer to the police raid on Mr P Mickelberg's residence on May 15, 1997 -

- (1) Is the Director of Public Prosecutions aware that a fax from Dr D Baxendale was seized from the home of Mr P Mickelberg?
- (2) Was the DPP aware that a fax had been received at Mr P Mickelberg's home from the United Kingdom or from Dr D Baxendale before the police raid?
- (3) Is the DPP aware of any of the contents of the seized fax from Dr D Baxendale?

Hon PETER FOSS replied:

- (1)-(3) This is an operational matter in the hands of the Commissioner of Police.

NATIVE TITLE - PASTORAL LEASES

*Compensation*

508. Hon MARK NEVILL to the Minister for Finance representing the Minister for Lands:

Is the Western Australian Government planning to amend the Land Administration Bill to ensure that native title holders are able to recover compensation for impairment of native title rights and interests from pastoral lease holders?

Hon MAX EVANS replied:

No. The compensation requirements for impairment of native title are governed by the Commonwealth Native Title Act. In respect of pastoral leasehold granted before 1 January 1994, any compensation arising from the impairment of native title by the grant of a pastoral lease, payable to native title holders, would be the responsibility of the Western Australian Government under the past Act compensation provisions. Consistent with the High Court Wik decision, the Western Australian Government believes that there should be no compensation liability arising in future on pastoral leases from the lessees undertaking activities authorised by the existing grant.

QUESTIONS WITHOUT NOTICE

TOURISM - PAULINE HANSON

*Effect of Views*

**443. Hon TOM STEPHENS to the Minister for Tourism:**

I draw the Minister's attention to the comments of Mr McAllen, the Australian Tourism Commission representative in Hong Kong, regarding Pauline Hanson, namely that people in the travel market are now asking him questions like, "You don't want Asians to visit any more?"

- (1) Does the Minister accept that the Hanson-inspired race debate is costing Western Australia thousands or even millions of dollars in lost tourism revenue?
- (2) What steps is the Minister taking to counter the perception in the Asian market of a revival in racist politics in Australia?

**Hon N.F. MOORE replied:**

- (1)-(2) I do not know the name of the gentleman who is alleged to have commented in the way referred to in the question. There is no definitive evidence yet, and I have had no evidence presented to me which is conclusive one way or another with regard to the matter. On the one hand, anecdotal evidence suggests some validity in the matters raised by the Leader of the Opposition. On the other hand, I have spoken to various people who say there is no issue; that it is an issue for people within Australia but not for those outside Australia. Until I am in a position to receive some hard and fast evidence it would be premature for me to make any judgments about the issue.

The question regarding Pauline Hanson and her views is one I have been asked about before, and I have taken the view that in Australia people are entitled to express an opinion. That is one of the democratic freedoms we enjoy as citizens of this country. However, if it is affecting our capacity to attract tourists to

Western Australia we will need to take whatever action we can to overcome that problem - if it is indeed a problem. I assure the member that, when I have some concrete information which has been thoroughly and properly researched, I will make it available to him.

JOINT STANDING COMMITTEE ON ANTI-CORRUPTION COMMISSION - LEGISLATIVE ASSEMBLY  
MESSAGE No 3

*Amendment*

**444. Hon J.A. COWDELL to the Leader of the House:**

- (1) Can the Leader of the House explain why Assembly Message No 3 of 27 March on the appointment of a Joint Standing Committee on the Anti-Corruption Commission has not yet been dealt with and languishes as Order of the Day No 14 on the Notice Paper?
- (2) Does the Government propose to substantively amend the form and nature of the committee proposed in Assembly Message No 3?
- (3) If so, what amendments are envisaged?

**Hon N.F. MOORE replied:**

- (1)-(3) I do not think that Order of the Day No 14 is languishing. We are dealing with Order of the Day No 15, which demonstrates that we have the capacity to be flexible in this House. The member's description of the matter "languishing" is inaccurate. Hon Nick Griffiths will attest that only this afternoon I approached him to find out whom on the opposition side I needed to contact regarding the matter. I had heard that Hon John Cowdell had an interest in the matter, and even though Hon Nick Griffiths has an amendment on the Notice Paper I wondered whether the member may be handling the matter on behalf of the Opposition. I am advised that I need to talk to Hon Nick Griffiths, but I have not had a chance to do that this afternoon. Hon John Cowdell's amendment is on the Notice Paper and seeks to change the number of members on the committee. I am happy to discuss that with the Opposition with a view to reaching some agreement. Once we have reached an understanding perhaps the House can expeditiously deal with the matter and advise the Assembly that we agree with the formulation of the committee. I do not have any amendments in mind. I do not know whether the member has, other than changing the numbers. That is a significant amendment, and one which has taken some time to consider. If there has been a delay, the reason is that six members are proposed for the Anti-Corruption Commission Committee, and the Opposition seeks to make that eight. If the House wishes to arrive at that number, I cannot do anything about it these days. I will accept the decision of the House. There are no other amendments. I have been contemplating the member's proposed amendment and I look forward to a brief discussion with Hon Nick Griffiths about his amendment. I hope to expedite the order of the day.

POLICE - DETECTIVE SERGEANT J. H. NOYE

*Charges*

**445. Hon N.D. GRIFFITHS to the Attorney General:**

I refer the Attorney to the prosecution of Detective Sergeant Jeffrey H. Noye.

- (1) When was he charged?
- (2) When did he last appear in court?
- (3) When is he next due to appear in court?
- (4) What is the current status of the proceedings?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) 12 November 1993.
- (2) 28 May 1997.
- (3) 7 July 1997.

- (4) The charges against Jeffrey Howard Noye and another are awaiting trial, scheduled to commence 1 September 1997. However, the trial has been stayed pending the outcome of a funding application by Noye to myself as a result of his indigence and in accordance with the principles set out in the High Court decision in Dietrich.

FORESTS AND FORESTRY - GIBLETT BLOCK

*Register of the National Estate*

**446. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) What percentage of the Giblett block is interim listed on the Register of the National Estate?
- (2) Are any areas that are planned for logging this year, also interim listed on the Register of the National Estate?
- (3) If so, how big an area is affected?
- (4) Are any areas in the Giblett block that are planned for logging in 1997 not interim listed on the Register of the National Estate?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) All of the Giblett block is on the interim list of the Register of the National Estate.
- (2) Yes.
- (3) Giblett block has an area of 3 954 hectares. The Government has voluntarily deferred timber harvesting from 2 230 ha or nearly 60 per cent of the block until the regional forest agreement process has been completed. Timber harvesting will commence in 460 ha of the remaining area of the block during 1997. All of the National Estate values represented in Giblett State Forest are also represented in the reserved areas of Beedelup National Park and Strickland Nature Reserve.
- (4) No.

MINING - JANGARDUP MINESITE

*Environmental Conditions*

**447. Hon J.A. SCOTT to the Minister for Mines:**

I refer the Minister to his ministerial statement of 14 May 1997 on the Jangardup South mineral sands proposal.

- (1) Why has the Minister reduced Cable Sands' commitments to revegetate all of Nelson Location 12897, given that in the original Reserves Bill 1995 all of Nelson Location 12897 was to be rehabilitated to acceptable native vegetation standards?
- (2) Did Cable Sands Pty Ltd request this reduction in rehabilitation conditions?
- (3) If no, where did the request come from?
- (4) Does the Minister expect the Western Australian taxpayer to pay for the rehabilitation of farmland and degraded native vegetation that comprise Nelson Location 12897?
- (5) If no, who is to pay for the rehabilitation of Nelson Location 12897 before the farmland and degraded native vegetation can be classed as having equal value to land inside the D'Entrecasteaux National Park?
- (6) When will Nelson Location 12897 be incorporated into the D'Entrecasteaux National Park?

**Hon N.F. MOORE replied:**

- (1) The original Reserves Bill 1995 relating to Jangardup South did not refer to any commitments to revegetate any land. I was clarifying an earlier statement I made to Parliament about the Government's original commitment regarding matters arising from an environmental assessment of any future mining proposal for the area.



There has been no reduction in Cable Sands' rehabilitation commitment. The Government's intention regarding the company's obligations to Nelson Location 12897 has always been to impose a condition that all those parts of Nelson Location 12897 disturbed by mining be revegetated to acceptable native vegetation standards.

- (2) Cable Sands sought clarification of the Government's position on the land the company was donating to the State.
- (3) Not applicable.
- (4) The company will donate 1 083 hectares of private land to the State. Approximately one third of this contains high quality native vegetation, the area of which is slightly larger than the area excised. Of the remainder, Cable Sands is to restore a 500 metre wide strip of partially cleared land along the southern margin near Lake Jasper and will restore all areas affected by mining or related infrastructure.

The balance, which consists of partially cleared native vegetation within farmland, is available for purposes as required by the State.

- (5) Not applicable.
- (6) That part of Nelson Location 12897 containing native vegetation will be incorporated into the national park if and when Cable Sands obtains environmental and all other approvals to mine and commence its production. The Department of Conservation and Land Management will have responsibility for deciding when any of the balance will have achieved a satisfactory level of rehabilitation to be incorporated into the national park.

#### TOURISM - WORLD MINING AND ENERGY GAMES

##### *Funding - Bidding Assistance*

#### **448. Hon TOM STEPHENS to the Minister for Tourism:**

With regard to the \$125 000 of EventsCorp money approved in December 1993 for a World Mining and Energy Games, I ask -

- (1) When was the initial \$25 000 for bidding assistance, which was approved by the EventsCorp board on 17 September 1993, paid to the proponent?
- (2) What was this bidding assistance used for?

#### **Hon N.F. MOORE replied:**

- (1) As indicated in answer to the member's question without notice of 9 May, EventsCorp management approved \$25 000 in bidding assistance of which \$10 000 was paid on 17 September 1993 and \$15 000 was paid on 14 December 1993.
- (2) The funds were used for graphic design, video production, marketing, script writing and copy writing consultancy, office rent, travel and accommodation, uniforms and sponsors' documentation.

#### FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY

##### *Endangered Stock*

#### **449. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:**

- (1) Does the effect of the decision by the Minister for Fisheries as outlined during the Legislative Council Estimates Committee on 28 May, to treat the five zones of the Purse Seine Managed Fishery as a single entity, mean that excess effort in Albany zones 1 and 2 will be relocated to Esperance zone 4?
- (2) With the Albany zones now at the point of total collapse, will the increased exploitation of the Esperance zone further endanger stocks at Albany by reducing the possibility of additional stock recruitment into zones 1 and 2?
- (3) What effect will the transference of effort into Esperance have on the quota of the existing Esperance based licensees?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

(1)-(3)

As I recall, a fair amount of detail was given in that Estimates Committee hearing. I am advised that, as the member will be aware, these issues are most complex and require further attention and I request he place the question on notice. I will remind the Minister that a fair amount of information was provided which has prompted the member's question. I will refer the answer provided during the Estimates Committee hearing to the Minister.

EXMOUTH RESORT AND CANAL DEVELOPMENT - PRESENTATION TO MINISTERIAL  
COMMITTEE

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

I refer the Minister to the 8 June *Sunday Times* report headed, "Premier's brother in NW plan" and specifically the revelation that, in addition to another short-listed group, Axiom Properties Ltd was to make a formal presentation to a ministerial committee yesterday. Who was the short-listed group, other than Axiom, to make a presentation to the special ministerial committee?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

Two groups were invited to make a presentation to the Cabinet Ministers associated with the development. The group that did the presentation was a consortium consisting of Australian City Properties Ltd and Axiom Properties Ltd. Another contender, International Resorts, withdrew from the presentation.

TRANSPORT - SCHOOL CHILDREN

*Regional Centres*

**451. Hon MURIEL PATTERSON to the Minister for Transport:**

There seems to be some doubt about the transportation of students who live more than 4.5 kilometres from their nearest bus stop. Will the Minister advise what are the facts?

**Hon E.J. CHARLTON replied:**

The transport of school children in suburban areas of regional centres is a complex issue. A great deal of speculation and concern was expressed by parents in regional centres when the present scheme was implemented. I remember well the problems when it was first introduced in Port Hedland and other country centres. In Albany a four year moratorium has recently expired.

The criterion for fare paying bus operations in Albany will be the same as that which applies in the other regional centres - Port Hedland, Geraldton, Bunbury, Busselton and so forth. It was decided this year that Albany should be included. Where a service is provided within 4.5 kilometres of those schools, the students will be fare paying passengers.

As the member will probably be aware, I am visiting Albany on Wednesday next week when I will meet representatives of parents affected by that decision. I look forward to dealing with those issues and clarifying them at that time.

TRANSPORT - SCHOOL CHILDREN

*Regional Centres*

**452. Hon MURIEL PATTERSON to the Minister for Transport:**

I was thinking also of schools such as Wilgee near Torbay and the uncertainty they are experiencing.

**Hon E.J. CHARLTON replied:**

The other important matter in the total context of our school bus operations throughout country Western Australia is that for the first time a thorough review of school bus operations is being conducted. It is being chaired independently by Mrs Barbara Morell and comprises people from the Department of Transport, a reference group from Education and the Road Transport Association representing contractors. I look forward to all members in this place and the other place who have an interest in this issue taking it on board during that review.

## GLOBAL DANCE FOUNDATION - INCORPORATION

*Agreement with WA Tourism Commission***453. Hon TOM STEPHENS to the Attorney General:**

I refer the Attorney General to the agreement dated 26 May 1995 between the Western Australian Tourism Commission and Global Dance Foundation which agreement was prepared by the Crown Solicitor's Office.

- (1) Why did the Crown Solicitor describe Global Dance Foundation as an incorporated association in the agreement when it was not incorporated until 1 June 1995?
- (2) Is it the Crown Solicitor's normal practice to prepare such agreements in anticipation of an association becoming incorporated?
- (3) Did the Crown Solicitor warn or advise his client not to sign the agreement until he or his client were satisfied that the Commissioner for Corporate Affairs had incorporated Global Dance?
- (4) If not, why not?
- (5) Why did the Crown Solicitor submit the completed agreement for stamping on 30 May 1995 when he knew Global Dance was not incorporated?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The Crown Solicitor's Office anticipated that the association would be incorporated.
- (2) In circumstances such as these, it is the usual legal practice to prepare documents in anticipation of incorporation.
- (3) Yes.
- (4) Not applicable.
- (5) The Crown Solicitor's Office was not aware that the association was not incorporated when it submitted the documents for stamping.

## LIQUOR - LICENSED PREMISES

*Extended Trading Permits***454. Hon NORM KELLY to the Minister for Racing and Gaming:**

- (1) How many extended trading permits were granted for liquor outlets in -
  - (a) 1995;
  - (b) 1996; and
  - (c) so far this year?
- (2) How many applications during these periods were refused?
- (3) If any were refused, on what grounds were they refused?
- (4) Has the department recorded a higher rate of violent incidents at liquor outlets with extended trading permits compared with those liquor outlets not holding these permits?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. To preface the answer, a lot of interest has been shown in extended trading permits, and the issue is being pushed to a large extent by the cabaret owners' association. Two or three weeks were taken for its media releases about trading after midnight to be picked up. Cabarets operate from midnight to 6.00 am, so they are trying to have hotels shut at midnight so people then go to cabarets. Obviously, they have a vested interest - they would admit that. Members know that police much prefer to see some hotels close at midnight, some at 1.00 am and some at 2.00 am so people enter the roads gradually rather than all heading home at the same time. This issue has been pushed very much by the cabaret industry. No changes are proposed to the extended trading permits. The legislation introduced by Hon Pam Beggs in 1988 enabled extended trading permits

to be given to certain hotels to trade until 1.00 am or 2.00 am. It is proposed that the legislation will remain the same. The proposal by the cabarets association that something new had been found was not correct.

- (1)
  - (a) 1995 - 92.
  - (b) 1996 - 124.
  - (c) So far this year - 51.
- (2)
  - (a) 1995 - 15.
  - (b) 1996 - 27.
  - (c) So far this year - 17.
- (3) The reasons for refusal were as follows: The application was not in the public interest; the applicant did not demonstrate sufficient public demand or need existed for the granting of the permit; the grant of the permit was likely to cause undue noise and disturbance to residents living in the vicinity of the hotel; and the licensee had in the past operated the licensed premise in an irresponsible manner or in a manner which was contrary to the Act.
- (4) No. The Office of Racing, Gaming and Liquor does not extract this information from police records. Curtin University did some work on activities after certain hours. It dealt with places where people had been drinking until 1.00 am, 2.00 am or 3.00 am before they went home. Many factors must be taken into account in this area, but my office does not have that information.

#### ENVIRONMENT - EXMOUTH GULF

##### *Destruction of Mangrove Trees*

**455. Hon TOM STEPHENS to the Minister representing the Minister for Lands:**

- (1) Has the Minister received reports of the destruction of mangrove trees in the south western reaches of the Exmouth Gulf?
- (2) If so, has the Minister ascertained the perpetrators of this damage?
- (3) What steps is the Minister taking to prevent further destruction of mangroves?
- (4) Is the area in which the destruction has occurred part of the Exmouth Gulf pastoral lease?

**Hon MAX EVANS replied:**

- (1) No.
- (2)-(3) Not applicable.
- (4) To enable the matter to be investigated further, the member will need to provide further details of the precise location.

#### PASTORAL LEASES - EXCISIONS

**456. Hon TOM STEPHENS to the Minister representing the Minister for Lands:**

What excisions from pastoral leases have been granted since December 1996?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. The Minister for Lands is not prepared to release the considerable resources required to answer this question. If the member has concerns on specific excisions and provides the Minister for Lands with details, he may be able to have them investigated further.

#### ADOPTIONS - GAINS AND PAINS IN ADOPTION CONFERENCE

##### *Funding*

**457. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:**

I refer the Minister to the Gains and Pains in Adoption Conference held on 6 and 7 June at the Advanced Manufacturing Technology Centre in East Perth.

- (1) Did the Government provide any funding in cash or kind to enable this conference to be held?
- (2) If so, has a similar offer been made to adoptees and/or relinquishing parents to enable them to examine issues of concern to them in the lead-up to the forthcoming review of the 1994 Adoption Act?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) No.

DE FACTO RELATIONSHIPS - PROPERTY LEGISLATION

*Priority*

**458. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Did he cause the Family Law Practitioners Association to be informed that de facto property legislation did not have priority in 1997?
- (2) If so, when did he relay that information?
- (3) If so, why did he do so given that the Attorney and his predecessor promised such legislation for years?

**Hon PETER FOSS replied:**

- (1)-(3) I am sure that people are aware that a difference exists between the priority which a Minister places on what should happen within his portfolio and the matters for which he is able to achieve an allocation of priority for either the drafting of legislation or its introduction into Parliament. I can assure the member that wide differences are often found between those two priorities. However, I have been taking measures to see whether I can get the matter appropriately dealt with. If I am successful, I will certainly advise the member of that fact.

TOURISM - COMMISSION

*Mr R. J. Johnson - Liquor Licence Application Evidence*

**459. Hon TOM STEPHENS to the Minister for Tourism:**

I refer the Minister to reports that Mr Robert James Johnson, the south west manager of the WA Tourism Commission, was in Broome recently giving evidence in support of a controversial application for a liquor licence for the new backpackers' accommodation on Frederick Street in Broome.

- (1) Is it common practice for employees of the WATC to give evidence in support of particular liquor licence applications?
- (2) Who paid for Mr Johnson's airfare to Broome?
- (3) Was he receiving wages during his testimony?
- (4) Is this testimony in any way connected with the fact that the reported owner of the new backpackers' facility is a south west farmer and former director of the Small Business Development Corporation in the south west, a Mr Peter Trevelen?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The Western Australian Tourism Commission received a subpoena to appear at the hearings. As acting general manager of the tourism industry development division, Mr Johnson represented the commission. Accordingly, the applicant - the Kimberley Klub - paid for Mr Johnson's airfare and accommodation.
- (3) Yes.
- (4) No.

The insinuation contained in the question is typical of the Leader of the Opposition.

HERITAGE - BELLEVUE HOMESTEAD

*Repairs*

**460. Hon KEN TRAVERS to the Attorney General representing the Minister for Heritage:**

- (1) Has the Bellevue farmhouse, owned by a Mr Ross Atkins, been granted heritage listing?
- (2) If so, when was it granted heritage listing?
- (3) What steps will now be taken to ensure the repair of the damage done to the farmhouse through its partial demolition?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) 3 June 1997.
- (3) The Heritage Act does not empower the Heritage Council or the State Government to require a property owner to carry out specific repairs or conservation works on a building, except in cases where a conservation order has been breached - that is not the case in this instance. The Heritage Council has commenced negotiations with the owner with a view to exploring opportunities for the conservation of the farmhouse.

POLLUTION - CONTAMINATED SITES

*Legislation*

**461. Hon JOHN HALDEN to the Minister representing the Minister for the Environment:**

In the Governor's speech at the opening of Parliament on 14 March it was announced that the Government would introduce legislation pertaining to contaminated sites.

- (1) When is it expected that this legislation will be introduced?
- (2) Is there an allocation in this year's Budget to facilitate the monitoring, supervision and cleaning up of contaminated sites?
- (3) If yes, how much is that allocation?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Contaminated sites legislation is expected to be introduced into the House by the end of 1997.
- (2) There is no specific allocation of moneys within the 1997-98 Budget for contaminated sites management. The preference of the Government at this time is that funding for these sites be considered by Cabinet on a case by case basis. Allocations of supplementary funding are made for those sites where government management of a site is absolutely necessary.
- (3) Not applicable.

LIQUOR - LICENSED PREMISES

*Extended Trading Permits*

**462. Hon NORM KELLY to the Minister for Racing and Gaming:**

Given the possible social implications of extended trading permits, does the Minister intend to direct the Office of Racing, Gaming and Liquor to extract records of violent incidents from police records in future?

**Hon MAX EVANS replied:**

No. Those records are kept by the police and Curtin University and I cannot see the need to extract that information from those records at this stage. We can gain access to that information as and when we want it. We do not need to keep duplicate records.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION - PUBLIC RELATIONS

*Expenditure***463. Hon TOM STEPHENS to the Minister representing the Minister for the Environment:**

- (1) What is the Department of Environmental Protection's projected expenditure on public relations-community awareness in the 1997-98 budget?
- (2) How does this compare with the current financial year's allocations?
- (3) How many FTEs within the Minister's department are involved in communications, public relations-community awareness or media relations?
- (4) Are any of those persons journalists; if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997-98 budget?
- (6) How does this compare with the current financial year's allocations?
- (7) Will any new campaigns be undertaken by the department in the 1997-98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Will the management-organisation of those campaigns be outsourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Minister's office?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

Perth Zoo -

- (1) Fifty per cent of the salary of the manager, marketing and public affairs, level 6, and 100 per cent of the salary of the public affairs officer, level 3.
- (2) The same staffing levels apply in the current financial year.
- (3) Nine FTEs are involved in communications, public relations-community awareness and media relations.
- (4) Of those, two are journalists.
- (5) Projected expenditure on advertising in 1997-98 is \$330 000 department-wide.
- (6) It is estimated that a similar amount will be spent in the current financial year.
- (7) No specific new campaigns are planned, although ongoing campaigns such as Western Shield, trees on farms and Department of Conservation and Land Management publications will continue.
- (8)-(10) Not applicable.
- (11) One - CALM policy officer.

Department of Environmental Protection -

- (1) No funds have been provided for public relations within the Department of Environmental Protection's 1997-98 budget. The DEP has provided \$4 000 for World Environment Day and approximately \$50 000 for the continuing air quality community awareness campaign in the 1997-98 budget.
- (2) This represents an increase of approximately \$40 000 which is part of a special allocation by Cabinet to raise Perth's public awareness about air quality.
- (3) Two DEP staff work in communications-public affairs, and 5.6 people, including 2.6 in the DEP's library, are involved in community awareness programs.
- (4) The communications-public affairs staff are both qualified journalists.

- (5) Approximately \$120 000, which includes \$80 000 to advertise referrals to EPA, project assessment, levels of assessment of developing proposals and works approvals and licences issued, as required by the Environmental Protection Act.
- (6) No change.
- (7) A continuation of the DEP's current air quality campaign will be the main community awareness focus for 1997-98.
- (8) See (1).
- (9) No.
- (10) Not applicable.
- (11) One DEP policy officer.

[See paper No 495.]

#### FIREARMS - BUYBACK SCHEME

##### *Advertising*

**464. Hon KIM CHANCE to the Attorney General representing the Minister for Police:**

- (1) How many advertisements were placed in the regional Press for the guns buyback scheme?
- (2) What was the cost of these placements?
- (3) Were advertisements placed in any of the 11 newspapers owned by Rural Press National Publications?
- (4) If not, why not?

**Hon PETER FOSS replied:**

- (1) Nineteen.
- (2) \$20 923.98.
- (3) No.
- (4) There were substantial cost savings to the taxpayers by using the regional Press rather than the rural Press.

I am sure that the person who suggested that the member ask the question will be pleased to know that there is a difference in price.

#### PRISONS - DRUGS

##### *Heroin*

**465. Hon TOM STEPHENS to the Minister for Justice:**

- (1) Does the Minister accept that the use of heroin in prisons is a major health problem for our justice system?
- (2) Has the Minister instigated any investigations into how heroin is finding its way into Western Australian prisons?
- (3) What steps, if any, is the Minister taking to eliminate the use of illicit drugs in Western Australia's prison system?
- (4) Is the methadone program available for use in Western Australia's prisons and remand centres?
- (5) If not, has the Minister or his department considered or proposed at any stage the introduction of the methadone program for use in prisons?
- (6) If not, why not?

**Hon PETER FOSS replied:**

- (1)-(6) We do not make methadone available, for very good reason. The methadone program in New South Wales has been investigated on no less than four occasions and has been shown to be totally ineffective. The problem with methadone is that it is a more addictive drug than heroin. The reason that it has some benefits



when it is used outside the prison system is that people do not need to take several fixes during the course of the day but can have one supervised delivery of methadone. Within the prison system, if people want to give up drugs -

Hon Tom Stephens: They have access to heroin.

Hon PETER FOSS: The question commenced with the words "Does the Minister accept". It is a question of opinion; therefore, I will not answer that.

We find in prison, as we find anywhere in society, that in order for people to give up drugs, they must first want to give up drugs. Some people in our prisons do want to give up drugs, and the fact that they are in a supervised regimen where they do not have access to drugs is quite helpful for them. It is important to understand the difference between people who want to give up drugs and people who do not. Many drug addicts find that in normal circumstances in the community they cannot give up drugs and they need an alternative like methadone to assist them in giving up drugs or in changing their habits. If people do not want to give up drugs, it is very difficult to find any program that will enable them to give up drugs. The prison community provides the capacity to help those people who want to give up drugs. We do not want to provide methadone to those people who do want to give up drugs. They are in a different regime in prison, and there is a real possibility that they will give up drugs within the prison system.

The result of the methadone trial in New South Wales has been zilch. In fact, it has been seen to be counterproductive. It appears that only about 5 per cent of prisoners use hard drugs - not just opiates but also things such as amphetamines - which means that 95 per cent of prisoners do not use drugs. The ratio between the number of people using drugs and those not using drugs is reasonable when we compare it with the situation in the outside world and the fact that many of the people who are in prison are there because it is necessary for them to service their drug addiction by committing criminal acts. Obviously we are trying to reduce that ratio and would like it to be lower.

We are taking a number of measures. We intend to increase the amount of testing that takes place within prisons. We have introduced passive dogs. A number of other measures will be taken, not all of which I intend to publicise, because we want to catch people rather than alert them to what we are up to. We have had a number of successful investigations within the prisons, which have resulted in arrests. We hope that we will continue with them and have further information to enable us to do so. We are very conscious of the fact, and are investigating a number of possibilities. We can obtain a better result than the current one. I would never suggest that it is possible for us to have no drugs in gaols because it would be impossible to have a security regime which would be able to prevent drugs getting into gaols.

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