



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Tuesday, 14 October 1997

# Legislative Council

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

## **BILLS (12): ASSENT**

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

1. Professional Standards Bill
2. Acts Amendment (Auxiliary Judges) Bill
3. Appropriation (Consolidated Fund) Bill (No 4)
4. Turf Club Legislation Amendment Bill
5. Human Tissue and Transplant Amendment Bill
6. Cement Works (Cockburn Cement Limited) Agreement Amendment Bill
7. Western Australian Land Authority Amendment Bill
8. Acts Amendment (Legal Costs) Bill
9. Land Administration Bill
10. Acts Amendment (Land Administration) Bill
11. Water Legislation Amendment Bill
12. Water Services Coordination Amendment Bill

## **PETITION - EUTHANASIA**

Hon Norm Kelly presented a petition, by delivery to the Clerk, from 34 residents of Western Australia calling on the House to pass a Bill to legalise voluntary euthanasia.

[See paper No 857.]

## **PETITION - EUTHANASIA**

Hon Norm Kelly presented a petition, by delivery to the Clerk, from 40 residents of Western Australia requesting a referendum on voluntary euthanasia.

[See paper No 858.]

## **PETITION - EUTHANASIA**

Hon Tom Stephens presented a petition signed by 471 persons requesting that the House reject any Bill to legalise euthanasia.

[See paper No 859.]

## **PETITION - EUTHANASIA**

Hon N.D. Griffiths presented the following petition bearing 230 signatures -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia respectfully commend to the attention of the House that -

- (1) Every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
- (2) Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each

concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;

- (3) A referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

Your petitioners pray that the House will reject any Bill to legalise euthanasia including any Bill for a referendum for legalised euthanasia.

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

[See paper No 860.]

#### **PETITION - OSTEOPATHS BILL**

Hon Bob Thomas presented the following petition bearing 56 signatures -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We, the undersigned respectfully request that the Council amend the Osteopath Bill 1997 via an exemption clause to make it abundantly clear that the normal process and practice of massage and its allied umbrella modalities is not in any way affected by the Osteopath Bill 1997.

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

[See paper No 861.]

#### **PETITION - STEPHENSON AND WARD INCINERATOR SITE**

Hon Norm Kelly presented the following petition bearing 107 signatures -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia support the following proposal: That the regulators, Water and Rivers Commission, Health Department of Western Australia, the Environmental Protection Authority (EPA), with the independent adviser to the EPA appointed by the Minister, Professor Arthur McComb, and the Department of Environmental Protection's Pollution Prevention Division, adopt the remediation option for the Stephenson and Ward/Medi-Collect incinerator site in Welshpool, which ensures the complete removal of all contamination, including the contamination beneath the incinerator building.

Your petitioners therefore humbly pray that the Legislative Council will recommend to the above mentioned parties that they adopt this proposal. And your petitioners, as in duty bound, will ever pray.

[See paper No 862.]

#### **JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

##### *Report - Road Traffic Regulations*

Hon N.D. Griffiths presented the Twenty-sixth Report of the Joint Standing Committee on Delegated Legislation on Road Traffic (Amendment to Fees) Regulations 1997, and on his motion it was resolved -

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

[See paper No 864.]

#### **SELECT COMMITTEE ON PRIVILEGE**

##### *Report - Public Administration Committee*

Hon N.D. Griffiths presented the report of the Select Committee on Privilege in response to the report of the Public Administration Committee dated 21 August 1997, and on his motion it was resolved -

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

[See paper No 863.]

**MOTION - URGENCY**

*Private Operators of Metropolitan Bus Services*

**THE PRESIDENT** (Hon George Cash): I have received the following letter -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 25 December 1998 for the purpose of discussing the Minister for Transport's failure:

- (i) to provide details of claims for additional funds made by private operators of the metropolitan bus service under the escalation clauses of the operator's contracts;
- (ii) to address concerns raised by the Auditor General in respect to the cost plus nature of the contracts; and
- (iii) to explain how the claims for additional funds by the private operators will be funded, given they are not provided for in the Department of Transport's budget.

Yours sincerely

Tom Stephens MLC  
Leader of the Opposition in the Legislative Council

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

[At least four members rose in their places.]

The PRESIDENT: I have read the proposed urgency motion and noted that Notice of Motion No 12 on today's Notice Paper in the name of Hon Bob Thomas deals with private metropolitan bus operators and requires the tabling of certain documents. I know that the Leader of the Opposition would be very much aware of the rule against anticipation, but I remind any other member who intends to speak on the urgency motion today that he or she is not entitled to anticipate Hon Bob Thomas' motion. He has precedence, so to speak, on that matter and it cannot be hijacked.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.47 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1998.

I will not say very much in my opening comments on this motion, and I am sure the Minister for Transport will appreciate why that is my intention. Effectively, my comments are outlined in my letter to the President, a copy of which has been made available to the Minister for Transport.

This matter was raised with the Minister both in the media and in a question in this House just before the recent parliamentary recess. I noted with great interest that in answering that question the Minister assured the House that he was prepared to make available to members the information sought. Although some debate may have ensued about media reporting of the exact nature of the assurance he gave, nonetheless he repeated an assurance in *Hansard* that he would make available the information sought by members.

Specifically he said on radio that the contracts were there for everyone to see. Referring to the shadow Minister for Transport he said, "Alannah can view and get any information that she likes." She is luckier than I am with assurances like that. He said, "I will make available every piece of documentation that she or anyone else wants." I hope the Minister will make good that offer and provide us with details of the bus contracts and specifically details of any bus operator's submissions for cost increases pursuant to clause 12 of the contracts. I gather they are referred to in the Auditor General's report, which has been put before the Public Accounts and Expenditure Review Committee and released. I do not know whether the Minister for Transport needs any invitation other than that which I have just given him.

That is an unusual way to start an urgency motion. However, if the Minister is prepared to respond positively to that invitation and the request from the shadow Minister for Transport, maybe I could sit down now. As articulated by the shadow Minister for Transport, the Opposition's concerns are clearly that a privatisation strategy is being followed which, regrettably, seems to be blindly ideologically driven and not based upon a commitment to ensuring the best management of taxpayers' funds. Basically contracts appear to be simply cost-plus contracts. We need some indication from the Minister of whether our concerns are well placed or misplaced. If the wording of the contracts is now simply making available to the bus contract operators an opportunity to come

back to the Government with increased bills for the taxpayers of Western Australia, they have a right to know what is being done and where the funds are coming from. There does not seem to be a budget allocation within the Department of Transport to meet any increased claim upon the Government which could arise by virtue of these contracts.

In addition, the Government has indicated that this was not specifically about privatisation but about efficiency and saving taxpayers' funds. If the fears of the Opposition and other people in the community are accurately placed, nothing would appear to be further from the truth. The fear is that we are ending up with separately operating monopolies in discrete metropolitan areas not competing against each other. They are blindly given contracts by the Minister for Transport. A number of contracts are already in place and more contracts will come into effect in July next year. They will not effectively deliver competition and cost saving as a result. The contracts are so loosely written that there is an opportunity for delivering to the taxpayers the full bill for any renegotiated salary packages for bus company employees. That is in contrast to the position of MetroBus, which the Minister has said was faced with 20 per cent wage increase claims under award negotiations from unions. The Government had the opportunity to be a participant in the negotiation process over the award to make sure that any unconscionable claims for wage increases were not simply delivered to the government run bus company. Instead of that, the Government is not a player in that process and is out of the equation altogether. Salary packages are being delivered to the bus company employees and the bill passed on to the taxpayers. The case seems to be adequately compelling for the Minister immediately to stand in the House and tell us what is wrong with our fears and where we have got it wrong. Is it not the fact that the Minister has got this contracting out absolutely wrong and is being ideologically driven? If somehow or other he has it right, now is his moment of truth. He can deliver to the House the contracts about which the State Supply Commission, the Auditor General, the Opposition and many sections of the community are very concerned.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [3.55 pm]: The Leader of the Opposition was here when the Act was changed to enable to be put in place the process for contracting out part of the Transperth system. The contracts for certain areas are let by a public tendering process. When he says they are monopolies, they are no more monopolies under a private operator than under MetroBus. We have changed nothing. We have said to everybody, as we did with the previous 50 per cent of contracts, "Here is a service provided by MetroBus. Put up your hand and give us a price for doing that section. We know what it is costing us to have MetroBus do it. We want to know if there is anybody else who can do it for the Government." It involves the same services as those being provided by MetroBus, with the same arrangements, buses, service levels, timetables and kilometres travelled. We are saying, "We want you to put your hand up and tell us whether you can do it." The Leader of the Opposition has tried to give the impression that the Government has given a monopoly to someone. That is totally out of context with reality.

Hon Tom Stephens: Where is the competition?

Hon E.J. CHARLTON: The competition is in the tender process for a contract to be given for a certain time. During the term of the contract the contractor has to provide a minimum level of service. If it wants to provide additional services it can, but it has to provide the service specified in the contract, which to all intents and purposes was provided by MetroBus. The Leader of the Opposition's first preference seems to be to leave it the way it was. He says that it is now an area monopoly. Would he like to have two or three operators whose buses are running up and down the same street? That would cost taxpayers 10 times as much.

Operators know that a few years down the track services will go out to tender again. The operators do not own the buses; the Government retains ownership of them. The present operators have nothing built into the system which gives them a preference over anybody tendering in the future, so the competition comes in the tendering process. That is why we have done it this way and have not done what they did in England or the eastern States. We do not have the successful tenderer owning the buses. We have the same continually integrated system. We control the standard of buses. We inspect the buses. We continue to do all those things. If Opposition members are genuinely interested in knowing about these things, if they want to go through these matters one by one, I am happy to go through every step of the process with them, as I have always been.

The bus services contracts provide for review of the tendered day rates and cost variations for new and extended services, in the same way as it applied to MetroBus. The same situation applies to the private operators as applied to MetroBus: If people wanted an extra service into Canning Vale or Midland or down a different street or past the old people's home or to the shopping centre, we either agreed or disagreed for MetroBus to supply that extra service. We still control the contracted area. We still set the delivery of services. If members of the public come to us and ask us for an extended service, we say either yes or no. If the contractor is running more kilometres because we have authorised an additional service, that must be paid for. The contractor will not do it for nothing. The contract rates are set. The contractor will be paid for the kilometres travelled. That is how it operated for MetroBus and that is how it operates for the private operator today.

Members opposite raised the matter of salaries. The contract clauses tie variations to prescribed industry based awards. If a company negotiates with members of its work force and agrees to give them a 10 per cent or 20 per cent increase, we say, "We will not pay it. If you have agreed to it and want to give it to them, that is your business; you can pay it. You can pay what you like." We are not saying what people should be paid. That is between the employees and the employer. We are saying that we will pay the private operators, but they must demonstrate that there has been an increase in the cost of living, the cost of tyres, fuel or whatever else. If wages have been increased by 3 per cent in line with the consumer price index, we will give the operators an increase of the same amount, in the same way as would occur in any negotiation with the current MetroBus operator. The only difference is that if within the system a decision is handed down to pay MetroBus employees a greater amount, we are obliged to make that funding available.

Those opposite also asked where it appeared in the Transport budget. Nothing in that budget deals with a 20 per cent increase by the Public Transport Union for MetroBus employees. We must address that as we go. The Government must respond. Of course, whenever we enter into an agreement with a private operator there is not an amount in the budget for any unexpected increase that might arise as a consequence of what we do. It will be met at the time if required.

I reiterate that anything I am legally allowed to make available, I will.

Hon Tom Stephens: Now?

Hon E.J. CHARLTON: I invite the Leader of the Opposition, the shadow Minister for Transport and any other member to look at all the details on a confidential basis. In the same way as I cannot make public certain components of it -

Hon Tom Stephens: Can you make the contracts available?

Hon E.J. CHARLTON: The contracts and their detail were advertised publicly. In relation to the total amount, members opposite will get the answers to their questions given with some notice.

Hon Ljiljanna Ravlich: We want to see the fine print.

Hon E.J. CHARLTON: The member should not get too specific because she might lose the plot.

Hon Ljiljanna Ravlich: No.

Hon E.J. CHARLTON: The Auditor General speculated on whether this would work. Since then he has given a report about the amount of money that has been saved. I invite the Auditor General to speculate or do what he likes. I have made it known to him on a one to one basis that I do not think he should be in the business of speculating. I cannot be in it. We can all think about it; however, from an official point of view he should be reporting on the result. If we get it wrong, it will give him, those opposite or anyone else an opportunity to get stuck into me about it.

The third point relates to explaining how the claims for additional funds for the operator will be funded. As I have mentioned, claims accepted in contract variations for private sector bus operators and for additional costs by MetroBus will be met from the Transport budget. There is no difference. Budget provisions for legitimate claims are necessary for all public and private sector operators, in the same way as occurs with all people who are doing business for the Government.

If those opposite have not been able to pick up the full thrust of this matter so far, after they have looked at the additional information to specific questions today, I invite them to come back and say that they want to go to the Department of Transport and go through all these things with the department. After they have done that, they can ask me anything else and I will be happy to cooperate.

**HON LJILJANNA RAVLICH** (East Metropolitan) [4.05 pm]: We have before us a very concerned Minister and a Government on the back foot in this issue about privatisation and contracting out. The public wants some answers. It is not getting them. The Minister says, "If you want to know about the full thrust of this, you can go down to the department. We will open up the books and you can look at all the details." That is an absolute nonsense. The Minister is trying to fob me off as well as members of the Western Australian public, and I do not think they will cop it.

Hon E.J. Charlton: You are just trying to look after the PTU.

Hon LJILJANNA RAVLICH: I am not trying to do that; I am trying to look after Western Australia's taxpayers.

Hon E.J. Charlton: That is a new experience for a Labor Party member.

Hon LJILJANNA RAVLICH: That is why I am here. I can assure the Minister that I will continue to ask questions about privatisation and contracting out, and I will seek the details because the Minister is using taxpayers' money. It is not the Minister's money. Had it been, he might have been a little more careful with it.

The extent of contracting out in this State is unknown. We cannot get a figure. I put a question on notice the other day to ascertain the number of contracts worth \$10m or more, and the length of these contracts. The answer was that there was no central repository for this information. How pathetic is that? We cannot get any answers about this matter. As a result, the Western Australian public is being diddled. The State Supply Commission and the Auditor General are very concerned about the nature of the first of these open ended contracts the Minister for Transport has entered into for the contracting out of the first 50 per cent of MetroBus. The Auditor General's report also said that the final savings from these contracts would depend very much on the ability of the department to manage the contracts.

Hon E.J. Charlton: That is right.

Hon LJILJANNA RAVLICH: My experience is that contract management is not a strong feature of the Western Australian Public Service. I have had some first-hand experience in relation to that.

Hon E.J. Charlton: They are the same people who were involved in MetroBus. You don't think they were any good either.

Hon LJILJANNA RAVLICH: I have some information which Ms Alannah MacTiernan got permission to disclose from the Public Accounts and Expenditure Review Committee. It is a part of the Auditor General's report on this matter. It says that the performance examination staff held the view, however, that parts of the contract were not particularly well worded and placed heavy dependence on negotiation to manage future contract variations. He found that clause 12 in the contracts allowed contractors to claim for a range of factors. It would be very interesting to know exactly how many price variations we are taking about and the parts of the contract that are variable. The Minister has referred to services, wages and fuel costs. I just wonder what else might be in the fine print of those contracts. I would like a guarantee that I can look at clause 12. If the Minister has nothing to fear, I see no reason that there should be a problem in my accessing clause 12, on behalf of the Western Australian public, to go through it with a fine tooth comb and allay the fears of the community. When the first contracts were drawn up, the Minister was reported in the Press as saying they would achieve savings to the value of \$40m. It is a good thing that no major expenditure was planned on the basis of that saving, because the bottom line is that the savings have been only \$6.4m.

Hon E.J. Charlton: That is not right.

Hon LJILJANNA RAVLICH: It is right, because it has been documented. The Minister did not achieve the \$40m savings. He conned the Western Australian public. He told them it would be good for them and he would bring home the bacon but, unfortunately, the savings were only \$6.4m and that was the outcome of shedding labour and transferring the problem of unemployment from Western Australia to the Federal Government. He thought he was being half smart, but I do not think he was. The Western Australian public wants to know how the saving of \$6.4m was calculated. I am sure we would all like to know whether the \$6.4m saving, claimed to have been saved in the first year, can be sustained. Will the Government realise those savings in future?

Hon E.J. Charlton: Yes.

Hon LJILJANNA RAVLICH: How can people trust the Minister when he could not deliver the first savings of \$40m and now he is giving an undertaking that he will realise these savings over the longer term? The Western Australian public wants more than that and it wants to know how the savings will be calculated. The people would like a guarantee that the savings can be sustained in the longer term. I can assure the Minister that every time the Government lets out a contract to the private sector, as opposition spokesperson for public sector management, I will ask four questions. I put the Government on notice that I will want to know the value of the contract and the length of the contract. Too many contracts are for 15 or 20 years and that is not good enough. That ties up the incoming Government. Western Australian taxpayers should not be locked into long term contracts. It is totally unacceptable. I will also want to know the predicted savings in the short and long term, and how the Government measures the cost effectiveness of contracts. It is one thing to tell people what the savings will be, but it is another to demonstrate how the Government will gain them and then deliver them.

Hon N.F. Moore: Would you like to comment on the builder in Bunbury with the long term contract? I am talking about the tall building with long term contracts.

Hon LJILJANNA RAVLICH: I have no idea what the Leader of the House is talking about. I am talking about the bus issue. The Minister has not been able to demonstrate how he will achieve savings. I am also placing on the record that the Opposition will ask key questions in relation to any subsequent contracting out in this State.

I am very keen to know, Minister, whether the second lot of contracts are exactly the same as the first, or whether there are differences. Quite frankly, if the first lot were so perfect, there would be no need to amend the second lot. If the Minister felt the need to amend the second lot, one can only assume that he botched up the first time around. It would be interesting to hear the Minister's response.

Hon E.J. Charlton: They are exactly the same.

Hon LJILJANNA RAVLICH: If they are exactly the same the Minister has probably taken Western Australian taxpayers for the ride of their life.

Hon E.J. Charlton: We have. We have taken them for a ride in comfort and on time.

Hon LJILJANNA RAVLICH: The Western Australian public deserve much more than they are getting in relation to this service. The periods of the contracts are too long. The contracts are not clear, and this Government seems to be absolutely preoccupied with hiding behind a veil of commercial confidentiality. If the Government were dinkum about accountability, as it claims to be, it would legislate to ensure that every time taxpayers' money was used to enter into a contract with the private sector, the private sector would know there was an obligation for the contract to be transparent. I see no problem with that, and private operators who want to enter into contractual arrangements with the Government should have no problem with it either. I challenge the Minister: If he is dinkum about accountability, he will legislate.

Hon E.J. Charlton: I did.

Hon LJILJANNA RAVLICH: Anything less than that is totally unacceptable.

**HON BOB THOMAS** (South West) [4.16 pm]: This issue seems to revolve around whether the community will receive any benefits from the introduction of competition in the delivery of bus services in Western Australia. The Minister has said that because there is a competitive tendering process, whereby anyone can tender for the contract to deliver that service, there is therefore competition in the delivery of bus services within Western Australia. He told us that we should not worry because we are getting lots of benefits from this competition and those contracts. The Minister implied today that the only way the cost of those contracts will increase is if a service is expanded.

Hon E.J. Charlton: You did not listen. If you are to quote me, you should quote everything I said.

Hon BOB THOMAS: That is the implication of the Minister's comments.

Hon E.J. Charlton: I referred to wages, services, fuel, and tyres - the same as any other person. The cost can go down, too.

Hon BOB THOMAS: The companies that win these contracts are given contracts for 13 or 14 years, and each year each line item of that contract can be renegotiated. When the Minister for Transport commented publicly through the media and when he spoke on this matter today, he referred only to areas of expansion in the contract, and did not refer to the items that could be increased each year. That is an issue of great concern to the Opposition, the Auditor General, and the State Supply Commission. I refer to the Auditor General's report.

Hon E.J. Charlton: Which one?

Hon Tom Stephens: The one to the Public Accounts and Expenditure Review Committee, which was released on 10 September.

Hon BOB THOMAS: I am referring to the additional information arising from a meeting with the Auditor General on 28 August 1997. It is entitled "Additional Brief on Bus Reform" based on a briefing with the Public Accounts and Expenditure Review Committee on Thursday, 28 August. In that briefing the Auditor General wrote -

The performance examination objectives did not include a detailed analysis of the particular contracts. The performance examination staff did hold the view, however, that parts of the contract were not particularly well worded, and placed heavy dependence on negotiation to manage future contract variations. This latter view was shared by the State Supply Commission.

The Auditor General was not speculating, as the Minister suggested.

Hon E.J. Charlton: While he did not have a look at it -

Hon BOB THOMAS: I ask the Minister to please not try to twist things. I repeat that the Auditor General said -

The performance examination objectives did not include a detailed analysis of the particular contracts. The performance examination staff did hold the view, however, that parts of the contract were not particularly



well worded, and placed heavy dependence on negotiation to manage future contract variations. This latter view was shared by the State Supply Commission.

Clause 12 (Contract Price Variation) allows contractors to claim for a range of factors (other than wages and fuel) which are increasing their costs. The claims are to be handled by negotiation between the parties as the contract does not detail what sort of cost increases can be claimed nor the basis on which the claims will be determined.

That is a grey area about which the Auditor General was particularly concerned and about which the Opposition is concerned.

Hon E.J. Charlton: You should read his last report and see what he had to say.

Hon Ljiljanna Ravlich: This is the most up to date report.

Hon Tom Stephens: Hon Bob Thomas is referring to the final report by the Auditor General on this matter. To which report is the Minister referring?

Hon BOB THOMAS: The Minister is referring to the Auditor General's initial report.

Hon E.J. Charlton: He talked about a \$30m savings.

The PRESIDENT: Order! Members should interject one at a time.

Hon BOB THOMAS: The Auditor General indicated \$30m had been saved but if we took into account other variables such as the ageing bus fleets and that staff had been transferred from one award to another we would probably find that real savings will not be sustained in the long term. The Minister knows and understands that.

Hon E.J. Charlton: I totally disagree with that.

Hon BOB THOMAS: The Opposition wants the information from the Minister so that we can see how transparent it is. Concerns have been expressed by the Auditor General and the Supply Commission. It is not good enough for the Minister to conceal the figures on the basis of commercial confidentiality.

Hon E.J. Charlton: I welcome your comments. Every time you raise the issue it helps me.

Hon BOB THOMAS: The object of the Opposition is to help the Government do a better job, and, God knows, we must give it a lot of help. The Auditor General expressed concern in the past about commercial contracts because he has had difficulty determining whether the State is getting value for money. The contracts contain clauses which preclude him from examining the books of commercial contractors. It is apposite that the Parliament be able to judge contracts based on more information provided by the Minister.

Hon E.J. Charlton: Do you know how MetroBus operated? If you are going to compare you should look at the costs of MetroBus.

Hon Tom Stephens: MetroBus was subject to full parliamentary scrutiny.

Hon E.J. Charlton: You were not interested.

Hon Tom Stephens: We knew how MetroBus operated.

Hon BOB THOMAS: The Minister is deluding himself if he thinks that the provision of services is competitive. Although various companies tender at the outset for a contract, once that process has been completed the delivery of bus services in Western Australia is not competitive. A number of discrete monopolies are operating within the metropolitan area whereby private contractors are delivering a service on a cost plus basis. Each year the bus companies renegotiate with the Government each line item in their contract.

Hon E.J. Charlton: The same as MetroBus did.

Hon BOB THOMAS: If it is exactly the same as MetroBus, why change it?

Hon E.J. Charlton: Because the base rate is lower.

Hon BOB THOMAS: The base rate is lower because people are working for lower wages, the bus fleet is ageing and the operators are not investing new capital.

Hon E.J. Charlton: They are the same buses.

Hon BOB THOMAS: That is what I am saying. They are the same buses because it is an ageing bus fleet; buses are

not being replaced. The Minister is wrong when he says the market is competitive. It is not; it is a competitive tendering situation among a number of discrete monopolies within Western Australia which are able to increase their costs each year by renegotiating with the Government each line item. The Minister is deluding himself on the issue of competitiveness.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.24 pm]: I am alarmed by the Minister's response to my courteous request to come good with some information that could put to rest these issues once and for all. As the Minister well knows, I am unable to refer to the matters which are the subject of motion No 12, which reads in part -

. . . submissions, requests or representations by private metropolitan bus operators seeking to renegotiate, re-open or review contracts with any of the Minister's departments or agencies to alter or increase prices for services provided and which show the amount of the price increases sought . . .

I hope that motion will soon come before the House and will require the Minister to table information.

Hon E.J. Charlton: I will deal with that then also.

Hon TOM STEPHENS: The Minister is deceptive in his response to the House; that is, he knows there is a motion on the Notice Paper asking him to deal with these issues.

Hon E.J. Charlton: I will deal with you, Mr Stephens.

Hon TOM STEPHENS: I am asking the Minister to deal with these issues. He said, "I am prepared to deal with anything anyone reasonably puts before the House." We have gone to the length of including a motion on the Notice Paper that the House must deal with. The Minister knows this urgency motion today is a courteous invitation to him to present to the House the facts of this matter. He knows that I, as Leader of the Opposition, and the shadow Minister for Transport are waiting for him to make this information available to the community of Western Australia to determine once and for all the value to the Western Australian taxpayers of the contracts into which he has entered. He has provided us with none of that information. He has satisfied neither the concerns of the Auditor General nor the concerns of the Supply Commission. In fact he has been dismissive of the concerns of the parliamentary officer - the Auditor General - about these contracts, specifically clause 12.

He is a disgrace as a Minister. He so freely dispenses with the concerns articulately presented in the report referred to by Hon Bob Thomas and is dismissive of the concerns expressed in the succinct report of the Auditor General. That report documents his concerns about clause 12, which he sees as nothing more than cost plus for the community of Western Australia. The Minister has not delivered to the people of Western Australia the savings they are entitled to expect as a result of his promises when he embarked on the ideologically driven policy of privatisation.

Hon E.J. Charlton: \$30 million.

Hon TOM STEPHENS: He has left available every line item in the contract. Those bus contractors are making fresh submissions and seeking additional funds for which the Minister has not budgeted. Dexter Davies has got it right: The Minister should be out of this place and he should provide Dexter Davies with the opportunity of taking his place in double quick time. The sooner he gives Dexter Davies the chance to take his place, the sooner the taxpayers of Western Australia will be better off. While the Minister for Transport occupies that portfolio his blind, ideologically driven pursuit of privatisation strategies is costing the people of Western Australia additional imposts.

Several members interjected.

The PRESIDENT: Order! I am trying to prevent people from interjecting over what the Leader of the Opposition is saying.

Hon TOM STEPHENS: The Minister for Transport has about an hour; that is, at the end of question time he can meet us behind the President's Chair and deliver the documentation he promised he would deliver to the House so that his claims about these issues can be subject to full scrutiny. I do not believe he will meet us behind the Chair. He will hide behind the glib assurances he gives to this House and the media; he will not come good with the facts. He is a failure as a Minister for Transport. He is ideologically driven and it is time he resigned.

Motion lapsed, pursuant to Standing Orders.

#### **STATEMENT - PRESIDENT**

*Legislative Council Research Officers at Table of the House*

**THE PRESIDENT** (Hon George Cash): I advise members that following discussions with the Clerk of the House, the Deputy Clerk and the Deputy Clerk (Committees), I have agreed to allow research officers who are attached to

the Legislative Council committee office to spend some time at the Table of the House to encourage and assist them in better understanding the practice and procedures of the Legislative Council. In that regard, I welcome Mr Andrew Mason to the Table of the House.

### **ROAD TRAFFIC (AMENDMENT TO FEES) REGULATIONS 1997 - DISALLOWANCE**

*Order Discharged*

On motion by Hon N.D. Griffiths, resolved -

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

### **FAMILY COURT BILL**

#### **ACTS AMENDMENT AND REPEAL (FAMILY COURT) BILL**

*Cognate Debate*

On motion by Hon Peter Foss (Attorney General), resolved -

That the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill be debated cognately.

*Second Reading*

Resumed from 9 September.

**HON N.D. GRIFFITHS** (East Metropolitan) [4.32 pm]: The Australian Labor Party in this House supports the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill. The second Bill is consequent on the first. I therefore propose to deal with the Bills in that order.

The Family Court Bill does not contain one new idea. It is very much a catch up Bill. It is a catch up Bill because of the structures put in place by this Parliament in 1975 when it made the decision for Western Australia to have its own state Family Court. It is a catch up Bill also because unlike other Australian jurisdictions, there was a failure on the part of this State to refer certain powers to the Commonwealth. Notwithstanding the fact that it is a catch up Bill, what is set out in the Bill is welcome.

In many instances the Bill is well overdue. The Bill will provide for parenting orders for ex-nuptial children in Western Australia. As a result of the matters I referred to a few moments ago, ex-nuptial children in Western Australia are treated differently from children elsewhere in Australia and differently from nuptial children in Australia. That is because of that lack of referral and because in the past Parliaments of Western Australia have failed to provide for what I consider to be a primary duty; namely, to be concerned about the interests of the weak and defenceless. Under the provisions of the Family Court Act, Western Australia still has the ownership concepts of guardianship, custody and access for ex-nuptial children. As a result of amendments to the commonwealth Family Law Act, effective from 11 June 1996, the rest of Australia did away with those ownership concepts. We are catching up; they are leading Australia. The rest of Australia now deals with the concept of parental responsibility for ex-nuptial children. Other Australian jurisdictions were able to benefit from those changes to the Family Law Act because of a referral of power. There has been delay by this Government on this issue. These matters should have been rectified earlier and this legislation should have been brought before the Parliament much earlier than it was.

Ex-nuptial children in Western Australia are also treated differently under the law in Western Australia compared with the law that prevails for nuptial children in Western Australia and ex-nuptial children elsewhere in Australia because section 35 of the Family Court Act contains a restatement of the common law position; namely, that an ex-nuptial child has as its sole guardian and custodian the child's mother. Members should be aware that when the commonwealth Family Law Act was passed in 1975 it was a matter of joint guardianship and custody for children of a marriage, and as a result of the referrals on the part of other Australian jurisdictions, that has prevailed for ex-nuptial children elsewhere.

This Bill is welcome because it will bring the treatment by the courts of ex-nuptial children in Western Australia in line with the treatment in those two areas of children, both nuptial and ex-nuptial, elsewhere in Australia. However, I regret there has been undue delay in bringing forward this legislation. It is not appropriate that I say just that there has been undue delay. I refer briefly to a report on proposed amendments to the Family Court Act 1975 by the Advisory Committee on Family Law, dated May 1993. On page 1 of the report the committee sets out its first recommendation as follows -

The Family Court Act be amended to ensure that, in most areas relating to children, there be uniformity between the Family Law Act and Family Court Act thereby ensuring that, as far as is possible, ex-nuptial children are not treated differently by being subject to State jurisdiction.

Reference is made on page 10 to recommendation No 7, which deals with the repeal of section 35 of the Family Court Act to bring that area in line with the treatment of children other than ex-nuptial children covered by the jurisdiction of the Family Court Act. That committee referred to an earlier committee that was presided over by Justice Anderson. To be fair, I note that the committee of Justice Anderson made that recommendation on section 35 of the Family Court Act in about 1991. In May 1993 a firm recommendation was made to bring into line the treatment of ex-nuptial children in Western Australia.

The next report of very real relevance to the Family Court Act and dated March 1996 relates to the proposed amendments to the Family Court Act 1975 and was produced by the Advisory Committee on Family Law. A number of observations are made about the treatment of ex-nuptial children. It appears that the Government has been very tardy in its approach to this very important duty; namely, its duty to protect the interests of the weak and, in particular, of children.

Page 1 of that report contains reference to the Family Law Act and points out that the power of the Commonwealth to deal with children of a marriage was expanded between 1986 and 1990, when all States, except Western Australia, referred to the Commonwealth the relevant powers in respect of ex-nuptial children. Those powers are the so-called parental rights and responsibilities. The report then goes on to deal in some detail with the federal processes. It summarises the rationale behind the relatively new concept of parental responsibilities vis-a-vis the current situation under the Family Court Act - the position of ownership. It points out that this may lead to very real benefits for children, and that is a reasonable observation. It is time that, in carrying out their most important duty as parents, people realise that they should actively engage themselves in the welfare of children rather than in seeing them as a reflection of themselves. If that were to occur children would be better looked after in our society. The care of children is the real foundation of a good, functioning society. Our society will be much better as a result of this aspect of these laws.

I will conclude this aspect of the different treatment of ex-nuptial children and the Government's tardiness by referring to page 6 of the advisory committee's report, which states -

The amendments to the federal law are so fundamental that if Western Australia does not amend the Family Court Act (WA) to adopt the same concepts . . . , the effect will be that there will be two completely different legal regimes dealing with children in the State.

That has been the case for over 15 months and it has caused me great concern.

The committee pointed out that the amendments were the result of extensive research and public consultation. The report further states -

The Western Australian Government has not taken any objection to the reforms as they affect nuptial children. It would therefore seem inequitable that children, whose parents are not married, should be treated differently to what has been decided to be the most appropriate regime for children whose parents are, or were, married, in a situation of relationship breakdown.

When this Bill is passed that position will be remedied, and I look forward to that.

In respect of ex-nuptial children under the jurisdiction of the Family Court of Western Australia pursuant to the Family Court Act, the Bill deals with the much vexed position of conflicts that have existed from time to time between what was access for ex-nuptial children and what will become contact and the operation of restraining orders. The Bill establishes a regime to resolve those situations of conflict that often occur, and that regime is the same as that which applies to conflict between restraining orders and contact orders under the Family Law Act. It is very desirable that regimes for contact orders and restraining orders be the same for children covered by the Family Law Act and those covered by the Family Court Act. The amendments to the Family Court Act are designed to have that legislation mirror the Family Law Act in those areas specified in the Bill, and that is a proper way to deal with this area of the law.

The saga of *Horne v Horne*, insofar as we can deal with a matter pursuant to Western Australian law, will finally be put to rest as a result of the passage of this Bill. The Bill provides for the delegation of power to registrars of the Family Court of Western Australia to make consent orders. *Horne v Horne* determined that they could not do that and that led to the Family Court (Orders of Registrars) Bill, which was passed relatively recently. Since Parliament last sat, the relevant federal legislation has finally been passed. That was not a particularly speedy performance on the part of the federal Attorney General, but at least the job has been done.

*Horne v Horne* disclosed two difficulties: Firstly, that there was no power to delegate to a registrar; and, secondly, that even if there were, that power was not valid because there was no provision for judicial review. This Bill specifically deals with those matters.

The Bill contains many pages dealing with how people can proceed in the Family Court. We are dealing with the jurisdiction of the Family Court as set out in the proposed Family Court Act. It has page after page and section after section dealing with counselling and mediation. That is very nice; however, there is no mediation in the Family Court. The federal Attorney General with his usual generosity and care for the people of Western Australia provided an amount of money to fund a pilot scheme for mediation in the Family Court of Western Australia. That scheme was very successful but nothing more has been forthcoming.

As for counselling, this same federal Attorney General is advocating a path adopted by many of his federal ministerial counterparts and many State Ministers. He is talking about privatising counselling services. I wonder if that is the path this Government will go down. We have no money for mediation. We have a very efficient counselling service in Western Australia which has greater duties now than it has ever had. It is a very professional service. Its counterparts in other States are being threatened with privatisation. We are talking here about professional people dealing with people under great stress and they see in other parts of Australia their colleagues being threatened with being out of a job.

One of the core functions of government is the provision of justice. The provision of justice in this jurisdiction involves resourcing the procedures that the Government, through its black letters and white papers, say people should be utilising. This State Government is not resourcing mediation. Its federal Liberal counterpart is not resourcing mediation; it is putting counselling under threat. That is an unsatisfactory state of affairs. I look forward to the Attorney General in his response saying that this State Government will do something very quickly about the lack of mediation in the Family Court, it will resource the Family Court, and continue to resource counselling in the Family Court, and that he and his Government will agree that privatisation of the counselling service of the Family Court of Western Australia is not on.

The Bill has many lovely words. It is a very long Bill. It includes many things that are marvellous. For the most part it replicates the Family Law Act and that is the appropriate way to go. One area in particular that caught my eye dealt with the separate representation of children. That is set out in clauses 171 and 172, which I mention in passing. It is marvellous having these laws about separate representation for children. I have referred to the decision in *Re: K* on many occasions and the fact that children are the victims of very nasty behaviour - sexual abuse and matters of that kind. It is all very well having nice laws. However, if government does not provide the resources for nice laws to be put into effect, if government does not provide access to these nice laws by ordinary people but particularly by people who are in need of protection - the weak, children - these laws are meaningless.

In that context I note what is occurring with the Legal Aid Commission. As a matter of practice, when the court says that a child needs separate representation, who does the job? It is the Legal Aid Commission. The Legal Aid Commission has the function of providing the wherewithal so the child can be separately represented. The federal Attorney General, Hon Daryl Williams, has failed in his duty to the children of Western Australia. Frankly, the Court Government has failed in its duty because it has underfunded the Legal Aid Commission. When the decision in *Re: K* was handed down it was obvious that the Legal Aid Commission needed more money. The best the State Government could do was to give some vague assurance that it would keep the commission steady as she goes until the end of the financial year. What has happened to the Legal Aid Commission and its resourcing is scandalous. It has caused children in Western Australia to suffer. It seems that situation will continue. I will not have a go at the Attorney General, because I do not know what happens around the Cabinet table. Perhaps on every occasion, the Attorney General has said that the commission needed more money. If the Attorney General is not at fault his colleagues are at fault for not giving him more money. The Legal Aid Commission needed more money as a result of the *Re: K* decision. The Government failed to provide more money. The Government continues to fail to give it more money. The State Attorney General and Hon Daryl Williams have let the children of Western Australia down.

Hon Peter Foss: Nonsense.

Hon N.D. GRIFFITHS: The Attorney General should stop mumbling. This Bill deals with the jurisdiction of the Family Court of Western Australia in non-federal matters. What is in the Bill is very significant, and I have made reference to it. What it fails to do is also very significant. When the Family Court Act was first passed it contained many provisions dealing with matters of property as between parties to a marriage. At that time it was thought that what was to become the Family Law Act did not have the capacity to deal with matters of property between parties of a marriage following separation and prior to the filing of an application for dissolution of marriage. In 1976 that view of the world was found to be incorrect by the High Court, that body that was much criticised by the so-called conservatives in our society. The Family Court Act has dealt with matters to do with property between married couples for some time. Those matters are about to be removed by the processes of this Bill.

This Bill fails to deal with many matters to do with de facto relationships which could properly be dealt with by the Family Court of Western Australia if this Parliament were to give it the jurisdiction. Mr President, you have heard

me say on many occasions that it is about time we gave the Family Court of Western Australia the jurisdiction to deal with property disputes involving de facto couples. I know a letter from Hon Norman Moore sets out a number of Bills that the Government is of the view it will have passed before Christmas, and one of those is a Bill described as the De Facto Relationships Property Bill. That is most welcome. However, this sort of legislation has been promised every year: Promises, promises! This sort of legislation should have been dealt with before now. This is a Bill dealing with the jurisdiction of the Family Court and it contains nothing about property. Children in Western Australia, because of this strange so-called conservatism that we have in failing to reserve powers, still suffer.

Hon Peter Foss: It was Labor who did not do that.

Hon N.D. GRIFFITHS: The Attorney General has spent years telling us - dare I say, with a touch of arrogance - that his Government has always had the numbers.

Hon Peter Foss: It was not us who did not refer it, it was you. It was a Labor law and you were in government.

Hon N.D. GRIFFITHS: I became a member of this House in 1993 and the Attorney General has been telling the Opposition for years that his party had the numbers.

Hon Peter Foss: Get it right.

Hon N.D. GRIFFITHS: I am getting it right and the Attorney General continues to get it wrong.

Ex-nuptial children in Western Australia continue to suffer because of this State's child support arrangements. That should have been addressed more adequately in this Bill. I received a letter from the Child Support Agency dated 9 October 1997.

**[Questions without notice taken.]**

Hon N.D. GRIFFITHS: One of the deficiencies of the State's arrangements with ex-nuptial children is with child support. The Parliament should be well aware of this matter: Whenever significant changes are made to child support in the federal sphere, it is months, sometimes years, before relevant legislation passes through this Parliament. Therefore, affected children have the benefit of the changes much later than do other children in Australia.

I told the House prior to question time that the Child Support Agency had recently written to me, and I assume to other members. I mention this letter in passing. It refers to decisions, as the agency puts it, to "further improve the child support scheme". It makes some general observation with respect to those areas and states -

As you would be aware, changes to the child support legislation do not automatically apply to all cases in Western Australia due to the nature of the state laws governing defacto relationships.

It is about time we did something about the de facto relationships issue once and for all. People have been waiting for a long time for this Government to do something about it; they are still waiting. The really nasty aspect of the issue is that it affects innocent children; namely, those who have no control over their lives and are dependent on parental support. It is all very well to have child support schemes and child maintenance, but if we cannot deal with de facto spousal maintenance and de facto property, children will. Children live on the financial resources provided by their parents. If appropriate property adjustments cannot be made when couples separate, the children of such relationships will suffer. They are suffering now and they will continue to suffer. I make the same observation regarding de facto spousal maintenance. We keep playing catch-up when it comes to making adjustment to child support.

The Family Court Bill has the support of the Australian Labor Party. It contains many welcome measures and is long overdue. I look forward to it becoming law.

In this cognate debate I am obliged to also deal with the Acts Amendment and Repeal (Family Court) Bill which is consequential on the Family Court Bill. This measure flows from parenting arrangements as opposed to ownership concepts. It proposes amendments to the Adoption Act and deals with the presumption of paternity. A distinction is made with respect to one area of presumption of paternity; namely, in cases other than adoption where a man executes an instrument to the effect that he is the father, a presumption of paternity applies. In adoption, the same presumption applies but a further rider is that the mother must acknowledge that the person is the father of the child.

Interestingly, this Bill repeals two pieces of inoperative legislation. First, the Matrimonial Causes Ordinance 1863, much of which has fallen by the wayside. It is a very interesting ordinance. It has been the law of Western Australia since well before responsible government in this State, and no doubt it was a necessary measure before we adopted married women's property legislation.

The other document of historical interest, and which is finally being repealed, is the Matrimonial Causes and Personal

Status Code. In 1959, the Matrimonial Causes Act was enacted by the Commonwealth to cover matrimonial causes; which made the state legislation redundant for the most part.

Western Australia in the 1950s had in the view of many the best matrimonial causes legislation in the Commonwealth. Currently Western Australia has the worst ex-nuptial children provisions in the Commonwealth. The Family Court Bill will for the most part remedy that position. The Australian Labor Party supports the Bills.

**HON HELEN HODGSON** (North Metropolitan) [5.42 pm]: The Australian Democrats also support these Bills in principle. An underlying philosophy of the Democrats is that we recognise the diversity of family. We believe that the family is very important to life in Western Australia. We are looking not only at the traditional family in which the parents are wedded but also at the diversity of de facto families and the status of children in them. There are many blended and single parent families in this State. The Bill is intended to support and benefit the children of those families. The intention is to help parents share care and responsibility for the children after a matrimonial breakdown.

I would like to echo the concern of Hon Nick Griffiths at the length of time it has taken for this legislation to reach this place. The Bill is based on the commonwealth Family Law Reform Act 1995, so it has taken two years for this matter to reach this place. I find that particularly disturbing when we look at the provisions of the Bill and the extent to which it has used the commonwealth Act as a blueprint. I cannot see what local changes needed to be taken into account that could cause the drafting of the Bill to take that amount of time. With that little reservation, basically we hope that the changes in this Bill will in the long run help families deal with separation and marital breakdown.

As regards primary dispute resolution, we advocate policies that help to keep relationships intact. Primary dispute resolution can be very valuable in assisting to ensure that counselling and mediation where appropriate help families resolve difficulties. It may keep them out of the courts in the first place. Family separation is difficult. We need to ensure that families and couples in trouble are properly supported under state legislation. To that end we support the fact that mediation and counselling options are now known as primary dispute resolution as opposed to alternative dispute resolution. The intention is to stress that it is the first option and to ensure that legal counsel inform the family of it. We recognise that in many cases counselling and mediation may be totally inappropriate, such as family violence and abuse and where the breakdown of the relationship is such that it will be impossible for counselling and mediation to occur. Power relationships are always part of the family breakdown and abusive and violent situations that are encountered. Because of the power relationship, it is not always possible to enter into true mediation. The powerless partner will never be able properly to participate in the process. Therefore, at times primary dispute resolution is not a suitable option.

We also have concern about ensuring that funding is available to the services. The funding must be laid down in the budget and must be adequate.

My additional concern is that the Bill lays down no requirement for the qualifications of mediators and arbitrators before they can practise in the Family Court system. I recognise that the provisions in the Bill are a direct copy of those in the federal Bill. This concern was raised by my federal colleagues at the time that Bill was in the Commonwealth Parliament. Under the provisions of the federal Act the Minister can approve persons to carry out family counselling and mediation. Nothing is laid down about the minimum standards that counsellors must reach. Last week was the YMCA Week Without Violence. At a meeting about family violence I was having a discussion with a person in pastoral care. The point was made that people are practising and holding themselves out as family counsellors without any real training or background in the area. The problem that arises from that is that they often do not know what is appropriate. They may bring their own beliefs into play, which causes us some concern. Under the commonwealth Family Law Reform Act provision is made for approval of mediation and counselling organisations by the Minister. The list of organisations is published annually. The approval can also be revoked. I appreciate that we are obliged to copy those provisions from the Act, in accordance with the agreement that the State has with the federal Parliament, but I do not feel that they are particularly strong.

The next change is the terminology to be used in proceedings relating to children. It is quite clear these days that our values no longer accept that a child is the possession of the parents. The days when we talked of parents' rights over children should be long gone. The Bill recognises the rights of children and the duties and responsibilities of parents, as opposed to the rights of parents. I have some practical concerns with this. Since the federal Act I have spoken to people practising in family law. It is clear that this is a cultural change which will take some time to permeate through the system. Although the legislation has changed the language, the attitude of the judiciary, legal counsel and people affected by the Act will take some time to change. I recognise we cannot do that in this place. The provisions in the Bill are an important step towards changing those community attitudes.

With ex-nuptial children we are finally recognising the role of the father. This imposes some obligations on the father, which some fathers will try to get out of. At the same time it gives the father the right to be recognised and to maintain contact with the child. In keeping with the thrust of the Act we are now looking at the responsibilities

of parents and the rights of children. We are looking at the right of the child to have contact with the father and the responsibility of the father to maintain contact and to provide some support for the child and also for the mother both during and shortly after her pregnancy. Parenting plans will be the prime vehicle for codifying the agreement reached by the parents. The Bill contains two levels of parenting arrangements. First, parents can voluntarily enter the parenting plan and, second, a parenting order can be made in cases where an order of the court becomes necessary. It is good that the Bill is encouraging parents to negotiate and come to some agreement. We agree with the proposition that plans should be registered; in fact, we see as one of the Bill's shortcomings that there is no obligation that the plans be registered. I understand that the Bill provides no compulsion to register parenting plans.

I have a further concern about the parenting plans. Because they are not court orders, it limits the access of third parties to see what they contain. That is good in some respects; we do not want the whole world knowing what is in a private agreement. However, there will be a problem when people with some role in respect of a child cannot have access to the parenting plan to see what the situation is. This was brought to my attention when I was consulting people on the education Bill, which is not yet before this place. Some teachers expressed concern to me that under the federal Family Law Act they cannot access parenting plans when there is a custody problem involving a child at the school. The other parent might turn up to collect the child. It is very difficult for the teachers to know whether that parent should be collecting the child and what steps to put in place to protect the child and themselves as a third party. I have some concern about the limits of the parenting plan when it comes to third parties who are dealing in a totally legitimate way with the child.

The Bill allows for separate legal representation for the children, but only in limited circumstances. Children cannot access legal representation easily. That is particularly so given the legal aid cuts at the moment. In the absence of legal aid it is very hard to ensure that the child has proper representation. In some cases that will be extremely important. Family law matters are very emotional. Both parents get very anxious, angry and emotional about what is going on. The child is in the middle and can easily be used as a bargaining chip. That is why it is important that the child has the right to be represented properly in the court system.

This would also be in keeping with the obligations of the State under the United Nations charter on the rights of the child. An obligation is placed on signatories to the charter to provide protection and support for our children to ensure that they are not exposed to violence, that their material needs are adequately catered for and that they are given a voice. It is appropriate that children be given a voice in matters dealing with their custody, care and maintenance. In New Zealand it is mandatory for the court to appoint a barrister or solicitor to represent a child who is not already represented. We must ensure those opportunities are available and funded for children in this State.

The domestic violence order is new and has come in recently under the restraining order legislation. It is good to see that this order is recognised and given special standing under these Bills. It is important that the child not only does not experience violence, but also is not exposed to violence. Last Tuesday night I watched a documentary on ABC television which dealt with domestic violence. One woman pointed out that she received counselling in respect of the violence only when it appeared that the child started to become threatened. Quite often the child is not the direct target, but he or she still witnesses what is going on. Who knows what will happen? One day the violence may spill over and hurt the child. It is very traumatic for a child to be in a violent family. Under this Bill if the violence is directed at the child or even only at the spouse, the court can decide whether it is in the best interests of the child to have contact with a parent who is violent. That is an excellent move. The court can attach strict conditions to a parent having contact with the child in a case where a domestic order exists. The issue of family violence probably should be included in clause 66, which considers the objects and principles governing part 5 of the Bill covering orders relating to children. If it was included in the objects, it would become clear to the court that that is one of the overriding considerations to which it should have regard in determining the contact the parents have with the child.

To mirror the attitude of my Senate colleagues when similar proposals were debated in 1995, we are coming back to the basic proposal that parental responsibility is the paramount consideration; whereas we should be looking at the paramount consideration being the rights of the child and the need to prevent family violence. We must confirm the importance of a child's best interests in the part of the Bill dealing with children and make more visible the need to ensure that they must be protected from family violence. Although any inconsistencies between violence orders and contact orders must be dealt with expressly by the court, I am not sure it has been considered carefully enough. Looking at the mechanisms and so on, I think it will still be based very heavily on the court making appropriate judgments. We come back to the same sort of gender and violence awareness issues that have been raised previously by members of the judiciary. Until those underlying issues of attitude are properly addressed, we cannot be sure that the provisions as they are framed will work properly.

We are pleased that the Bill will ensure that Western Australian children will be treated the same, whether they were born in a legal marriage or whether they are subject to a de facto relationship. That is a very important consideration. I will digress a little. I am not quite sure whether it is valid to have a separate Bill and a separate court system to that



which is established under the federal legislation. I know the history and that we are working within an historical framework; however, had I been around in 1975, I would have expressed severe reservations.

Hon Peter Foss interjected.

Hon HELEN HODGSON: I have reservations about the need to have parallel legislation at all. It is a matter where the responsibility should have been handed over to the federal jurisdiction 20 years ago.

Hon Peter Foss: The substantive law or the Family Court law?

Hon HELEN HODGSON: The Attorney General would argue that it is an integrated system. I do not see the need for a separate Family Court in Western Australia. The arrangements put in place in 1975 were not necessary.

Hon Peter Foss: You will find contrary reports from other commentators.

Hon HELEN HODGSON: I am sure we will find contrary views everywhere. I hope this Bill will achieve one of its major objectives; that is, to look at the adversarial processes in the Family Court and to try to ensure children become the prime beneficiaries, instead of the victims, under that system. We must ensure that children are properly represented, that they are no longer bargaining chips or involved in a tug of love. I know we will never achieve that because it is an emotional situation; however, the more we can do to prevent it, the better off our children will be. I hope these changes encourage a change in attitude and perception that we have in the Family Court system. I hope it will avoid the problem of court proceedings being a win or lose situation, with the children always being the losers. With those comments, the Australian Democrats support both Bills under debate.

**HON J.A. SCOTT** (South Metropolitan) [5.58 pm]: The Greens (WA) will also support these Bills. I have a few comments to make about them. I am very pleased that it is reinforced in the Bill that we will be trying to move further away from a confrontational court type procedure to more of a counselling procedure through the courts. I have some concern about the training of the counsellors who work in the Family Court. I have personal experience of errors being made in the information they gave to one party. It could be costly in economic terms, but it is more costly in the outcomes for people at the end of the day if the information provided is not correct. I hope a great deal of effort is made to ensure these counsellors know what they are talking about when they give advice in the Family Court after people have come to mutual agreements, but then find, when there is a breakdown, that they can do nothing.

*Sitting suspended from 6.00 to 7.30 pm*

Hon J.A. SCOTT: The Greens (WA) Party supports the Bills. It has a few concerns, but they would be better dealt with in Committee and I will raise them at that stage.

**HON PETER FOSS** (East Metropolitan - Attorney General) [7.31 pm]: I thank members for their words in support of these Bills. As was pointed out by Hon Nick Griffiths, there is nothing of any great novelty in the Bills and that is the intent. It is intended to keep a parallel with the substantive law of the Commonwealth with regard to children and, obviously, to keep a parallel with the adjective law in those matters. With the exception of Hon Nick Griffiths, there has been some confusion in the minds of some commentators about the situation.

For divorce there is the substantive law of the Commonwealth. The Commonwealth legislates and that law has effect immediately. For all other States of Australia so far as children are concerned, there is a reference of power to the Commonwealth. When the Commonwealth legislates with respect to children it legislates with respect to both nuptial and ex-nuptial children. De facto property in each case relates to state law, although Western Australia, because it has a state court, has the capacity to vest its Family Court with jurisdiction with regard to the property of de facto couples. We are fortunate in that respect because it is a state court. Western Australia also has a state Family Court. Whatever views members may have on whether this State should have referred power to the Commonwealth with regard to children, the state Family Court has been an outstanding success. From talking to commonwealth officials - not merely the commonwealth Attorney General but also those involved in the administration of the Family Court - I understand it is now generally believed it would have been preferable had all the States adopted the process of Western Australia in having their own Family Court. There are a number of reasons for that.

The first is that the state court has been extremely responsive to local demands, and one would expect that to be the case. It has also been by far the most efficient of all the Family Courts. In a review that took place of the operations of the Family Court of Australia a number of criticisms and recommendations were made. Generally speaking, the criticisms excepted the Family Court of Western Australia because the things criticised did not apply to Western Australia. A number of recommendations were made and, almost without exception, those recommendations were to follow the procedures in the Western Australian Family Court. Although a number of different comments can be made, they roll up as though they were one and they are not. There are a number of different considerations, and I do not think it should always be taken that because Western Australia is being different it is a bad thing. It is

arguable on the question of the referral of powers, although that has had the support of both sides of the House. However, so far as having a state court is concerned, it appears to have been extremely convenient, particularly because the state court can be vested with power with which the Family Court of Australia cannot be vested because of the different situations.

Hon N.D. Griffiths: The pity is that we have not yet given it that jurisdiction.

Hon PETER FOSS: Because at this stage we do not have any substantive law to give it.

Hon N.D. Griffiths: We should have had that substantive law by now, and you have promised it.

Hon PETER FOSS: I recognise the need for some substantive law with regard to de facto couples and, as notified by the Leader of the House, the Government intends to introduce that legislation this session. We sincerely hope it will be debated and dealt with this session, but that is in the hands of the Parliament.

Hon N.D. Griffiths: Is it drafted yet?

Hon PETER FOSS: Yes it is.

Hon N.D. Griffiths: Is it possible to receive a copy of the Bill before it comes to the House so that consideration can be given and, if appropriate, it can be dealt with faster than would otherwise be the case?

Hon PETER FOSS: I would be happy once it has been through the procedures of the party and the Cabinet for the member to have that, but I would like it to go through those procedures first. Prior to the formal introduction of the Bill in this place, I will let the member have a copy. That applies also to members of the Democrats and the Greens. Some criticism has been made of the time taken for this Bill to be introduced. Obviously, I would very much like it to have been in this place earlier, but it has been through a thorough process in the hands of those people best able to comment on and formulate it. I confess to having no expertise at all in the area of family law and I do not purport to have expertise in the areas under the Matrimonial Causes Ordinance.

Hon N.D. Griffiths: What about the previous Bill?

Hon PETER FOSS: I come from an area of total ignorance and have relied very much on those who know something about it, and their processes have absorbed the time. There is one interesting point that has been made by a number of people; that is, probably the most significant change in this legislation is the change in the attitude towards children. The way the legislation changes the concept from one of right to one of obligation is admirable. The Bill seems to take a very proper approach and one wonders why it has not happened before. Like some of the other commentators, I have learnt that, unfortunately, the attitude has not yet changed. It is not a matter of the practitioners in the courts. It appears that many individuals still regard it as a matter of right, and they still say they want custody or access. It will be some time before the general community also understands that this matter will be dealt with on a different basis. Even though the Bill has just been introduced with regard to ex-nuptial children, the process has begun and will continue. I do not believe the delay in introducing the Bill has delayed that process, because it is not a matter of the attitude having changed and the legislation not being available to allow for it to happen. Unfortunately, the attitude has not yet changed and it will be some time before it does. Like all good changes, I hope it will eventually filter its way through and will be very effective.

This legislation deals only with ex-nuptial children. It is interesting that despite Western Australia having 10 per cent of the population of Australia, it has 25 per cent of the ex-nuptial children in Australia. Perhaps it has more significance in this State than in other States. However, generally it is still a system under which substantive changes in the law took place with the enactment of the commonwealth legislation.

Hon Nick Griffiths made a comment dealing with divorce. I have been reading *Campbell's Lives of the Chancellors*, and it was only in the time of Lord Cowper -

Hon J.A. Cowdell: You have taken a long time; you were reading that three months ago.

Hon PETER FOSS: I am still reading it; it comprises 10 volumes and I am up to only volume 6. In the time of Lord Cowper the House of Lords held that an Act of Parliament was needed to dissolve a divorce. It was still an open question whether courts had inherent jurisdiction to dissolve marriages. Unfortunately it was decided about 1693 - certainly close to the turn of the century - that that was not an inherent jurisdiction of the court. That is a pity because we might have had a more developed law of divorce had it not been for that decision. Shortly after came the 1677 Sunday Observance Act during the reign of Charles II, although the actual decision was during the reign of Queen Anne.

Hon N.D. Griffiths: I am worried about what you will do with Sunday. The difficulty with divorce and civil power is that we did not have civil marriage until the middle of the eighteenth century.

Hon PETER FOSS: It was still considered a moot point at the end of the seventeenth century whether civil courts could dissolve marriages. They decided that they could not.

Hon N.D. Griffiths: They could not because they were not civil marriages.

The PRESIDENT: Order! We are dealing with Orders of the Day Nos 6 and 7.

Hon PETER FOSS: They decided that someone could bring an action for damages for criminal compensation, but it was abolished by the 1975 Family Law Act.

Hon N.D. Griffiths: I thought you were going to talk about the petition for conjugal rights.

Hon PETER FOSS: The Family Law Act was one way the civil courts managed to gain some sort of jurisdiction over it.

It is timely that at long last we recognise the rights of a father of an ex-nuptial child just when we have abolished them. To the extent those rights exist they have been extended to ex-nuptial fathers. It has always been acknowledged that ex-nuptial fathers have responsibilities. It is perhaps appropriate when the principal emphasis is on parental responsibility that we acknowledge there is no difference between ex-nuptial parents and married parents.

A question was raised about counselling and mediation. I agree with Hon Nick Griffiths that some disturbing changes have been made by the Commonwealth, particularly the intent of charging for some of these services. This Government is in a difficult position regarding the Commonwealth, because as members know the Family Court is fully funded by the Federal Government. However, it takes the view that unless we implement exactly the same fee and charging system we are deemed to receive any money we do not charge.

I appreciate that the principal driving force in the area of family law - the people who have constitutional responsibility - is the Commonwealth and although we do not fully agree with its attitude to justice we are in a difficult position of not having much choice in the matter. That has been the attitude of Federal Governments for some time towards access to justice.

The essential issue about counselling is whether it is available, whether it is good and whether there is any cost to the individual in obtaining it. Some people have doubts about whether mediation adds much to the process. For many people there is irretrievable breakdown and mediation will not do much. In fact, a basis of divorce today is irretrievable breakdown. To some extent it is a contradiction in terms to see whether the relationship can be patched up with mediation.

Certainly as recognition increases that a parenting plan is a responsibility, people should be working out what are their responsibilities and mediation should be particularly helpful in that area. The State has a limited capacity to deal with many matters. Many of the matters people have raised regarding complications and counselling are within the purview of the Commonwealth. We cannot deal with the substantive law relating to divorce. We cannot set up a separate and different system for the smaller number of ex-nuptial children. We must have a system that conforms. It is beyond thought for us to set up a totally different system. It would be contrary to some of the general views already expressed by the people who believe we should have referred the power to the Commonwealth. It would not therefore be within our capacity to have a different system.

Hon N.D. Griffiths: People move across the boundaries between Western Australia and the rest of Australia with regularity. It would be very wrong to have a separate system.

Hon PETER FOSS: I agree. Some people raised those issues. The only way I can deal with them is to express them to the commonwealth Attorney General if that is what members wish. I thank members opposite for their support of this important Bill and I commend the Bill to the House.

Question put and passed.

Bills read a second time.

*Committee*

**Family Court Bill**

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Commencement -**

Hon HELEN HODGSON: I note that the commencement is to be fixed by proclamation. Why might it require a delay between royal assent and proclamation?

Hon PETER FOSS: As far as I am aware the only matters outstanding to be completed prior to proclamation are the rules relating to the delegation to registrar.

Hon N.D. GRIFFITHS: What is the timetable?

Hon PETER FOSS: I am not absolutely certain, but there should not be any difficulty. It is likely we will follow the commonwealth rules which have the problem of *Horne v Horne* as a model for the delegation, so it should be fairly speedily done.

Hon N.D. GRIFFITHS: I appreciate that, but can I take it that, save for that part of the Bill that relates to the delegation of registrars' powers, it is proposed the Bill will come into operation by the proclamation process shortly after it receives assent? Given that the Government is using the commonwealth model, can the Attorney General be a little more precise about how long after that it is anticipated the Bill in its entirety will be in operation? I appreciate the Attorney General has no control over the business of the Legislative Assembly; regrettably we do not either at the moment.

Hon PETER FOSS: My understanding is that that is all that remains to be done. It will not take long to do the rules. Once that is done, the entire legislation will be ready to be proclaimed. I must confess that to a large extent I have been guided in this matter by a group of people whose names I would not refer to in the presence of Hon Nick Griffiths out of courtesy to his concern at their names being brought into the debate.

Hon HELEN HODGSON: I would like to make a point of principle. I have difficulty dealing with proclamation clauses when there is no good reason for lengthy delays. I would much prefer a clause as per the model the Senate uses, which states that if the legislation is not proclaimed within a certain period, the Act will come into operation anyway - a self-proclamation style clause. I appreciate that in this case some work must be done in one area of the legislation. However, I would like to hear a commitment from the Attorney General that the rest of the legislation will come into operation as soon as practical after royal assent.

Hon PETER FOSS: I have considerable sympathy for that point of view. I do not see any reason for its being delayed. As far as I know, the only matter outstanding is the rules relating to the giving of effect. Other rules may be required, but I understand it is not a major task for those rules to be completed.

**Clause put and passed.**

**Clauses 3 to 24 put and passed.**

**Clause 25: Officers of the Court -**

Hon HELEN HODGSON: I direct the Attorney General's attention to subclause (2), which provides that the Attorney General may appoint a person to the following offices of court - deputy registrars, director of mediation and collectors and assistant collectors of maintenance. Why does the subclause state "may" rather than "shall"? "Is to" is used in clause 21 for certain officers. Does this subclause suggest the Government will not appoint directors of mediation?

Hon PETER FOSS: No, but there is a difference between officers who are seen as essential to the court and those who are not. The court cannot function without the principal registrar, registrars, an executive officer, the director of court counselling and a marshal, whereas it is considered the other officers may be required. I understand the collector of maintenance has little to do at this stage because of the changed arrangement about how maintenance is collected. A collector of maintenance is a part time occupation.

Hon N.D. Griffiths: The person who carries out the task would carry out other tasks.

Hon PETER FOSS: That is right; a person would hold that position and perform other tasks as well.

Hon Helen Hodgson: I am more concerned about the director of mediation, given that mediation is now a primary dispute resolution procedure.

Hon PETER FOSS: It is very much dependent on requests made to me by the court as to what its needs are and what the capacity to meet those needs is.

**Clause put and passed.**

**Clauses 26 to 48 put and passed.**

**Clause 49: Duty of courts - FLA s. 14F -**

Hon J.A. SCOTT: This clause states that a court hearing proceedings under this legislation must consider whether to advise the parties. It seems almost nonsensical, unless a process will be set up to enable that to occur. How does the Government know this is occurring? Will a process be set up that the court must go through to ensure this happens?

Hon PETER FOSS: If there is one group of people we can expect to obey the law without having to have some other process to ensure they do so, it is the courts. I take it that the court reading clause 49 would know it has an obligation to consider. All it must do is consider whether to advise the parties to the proceedings about the primary dispute resolution methods that could be used to resolve any matter in dispute. It is just one of the factors that must be taken into its mind, put in the balance and considered. I am sure the courts will do that.

Hon N.D. Griffiths: It is an instruction from the Parliament to the judiciary.

Hon PETER FOSS: Yes, and that is the appropriate situation for both of us: It is appropriate that Parliament should instruct the judiciary as to what it must take into account, and it is appropriate that the courts judicially should then take that into account. We do not dictate to the courts what will happen. We tell them what they must consider, and in their judicial method they make decisions about what should happen.

**Clause put and passed.****Clauses 50 to 52 put and passed.****Clause 53: Request for counselling - where made direct to a family and child counsellor - FLA s. 62D -**

Hon HELEN HODGSON: The legislation provides for family and child counsellors; however, it contains nothing to provide how counsellors are to be approved and what standard will be applied to decide whether they are qualified to give such advice. That applies to both mediators and counsellors.

Hon PETER FOSS: This State uses exactly the same people the Federal Government uses and the Federal Government processes those counsellors who are appointed. We do not have separate counsellors for Western Australian law proceedings. I do not think it would be appropriate for us to set up a second set of processes for appointing counsellors.

Hon HELEN HODGSON: Does the federal jurisdiction have those sorts of guidelines in place when appointing or accrediting counsellors?

Hon PETER FOSS: Clause 5 defines an approved counselling organisation as a counselling organisation approved under the Family Law Act. I do not know what the processes are under the Family Law Act for approving those organisations. Once they are approved under that Act, they are approved under ours.

Hon Helen Hodgson: Is it possible to get that information?

Hon PETER FOSS: We can request that of the federal Attorney General.

**Clause put and passed.****Clauses 54 to 64 put and passed.****Clause 65: Advertising in Court registry of counselling and mediation services - FLA s.19Q -**

Hon HELEN HODGSON: This clause makes reference to regulations that will govern the advertising facilities. What will be covered by those regulations?

Hon PETER FOSS: Apparently we already have regulations that will continue under section 38 of the Interpretation Act; they follow the commonwealth Act. Section 38 provides -

- (1) Where an Act -
  - (a) repeals an Act and substitutes other provisions therefor; or
  - (b) repeals and re-enacts an Act, with or without modification,

any subsidiary legislation made under the repealed Act and in operation immediately before the commencement of the repealing Act shall, so far as it is consistent with the repealing Act, continue in operation and have effect for all purposes as if made under the repealing Act.
- (2) Subsidiary legislation which continues in operation under subsection (1) may be amended or repealed as if it had been made under the repealing Act.

Hon HELEN HODGSON: What type of advertising is permitted? Is it simply a listing, a brochure, or masses of posters?

Hon PETER FOSS: I do not know the precise wording of the regulation, but the effect of it has been brochures.

Hon HELEN HODGSON: Is there any charge for placing the brochures?

Hon PETER FOSS: We are not aware of any charge.

Hon N.D. GRIFFITHS: Given the Attorney General's state of knowledge -

Hon Peter Foss: Freely professed!

Hon N.D. GRIFFITHS: I note what the Attorney General has said. Taking the point that there is no charge, will the Attorney General ensure that there will be no charge in future?

Hon PETER FOSS: There is no charge for taking a brochure and we do not believe there is any charge for placing one. If the Commonwealth were to impose such a charge, the charge would be imposed. I cannot dictate that. The primary legislation under which the brochures are present is the commonwealth Family Law Act. I do not see the State imposing any further charge, because all amounts received by way of charges are debited from what the State receives from the Commonwealth, so there would be no point in our imposing a further charge.

Hon N.D. GRIFFITHS: Has this question of charging been raised in the Attorney General's frequent and friendly discussions with his federal counterpart and, if so, can the Attorney assure us that he has resisted this dreadful impost?

Hon PETER FOSS: I had not heard the suggestion until it was raised by Hon Helen Hodgson this evening.

**Clause put and passed.**

**Clause 66: Object of Part and principles underlying it - FLA s.60B -**

Hon J.A. SCOTT: Reference is made to "objects" and "principles". Are they enforceable under the law?

Hon PETER FOSS: They are probably more influential than some of the more mandatory mechanical provisions of the Act. They go to that area of law that is fundamental to decision making. For too long we have seen provisions requiring people to lodge a piece of paper or file something within 14 days as more important because they are so mandatory. In fact, what makes the difference in the way people are affected is that area of the law setting out the principles. Judge made law, which often makes the most fundamental changes to our substantive rights, is phrased in terms such those in clause 66, in that it sets out the principles by which we will abide in future when making a decision. In respect of fundamental influence on decision making, clause 66 is far more important than many of the other clauses that might be seen to be more mandatory.

Hon J.A. SCOTT: I agree with the principle and the reasons, but it occurred to me that there could be problems. This Bill later refers to responsibility for children not born during the relationship. It is possible for a child born after the liaison has ceased but before action commences to be adopted. This clause provides that the children have the right to know and be cared for by both parents, regardless of whether the parents are married or separated. What would happen in that case? What rights would the parents have if the child were adopted?

Hon PETER FOSS: The legal effect of an adoption order is that for all intents and purposes at law the child becomes the child of the adoptive parents. The Adoption Act deals with the effect of that. Generally speaking, this would then apply to the adoptive parents as much as it would have to the natural parents. The member is moving from family law to adoption law.

Hon J.A. Scott interjected.

Hon PETER FOSS: Once the child is adopted, the parents are the adoptive parents. It might seem difficult to us, but we institute a legal fiction by adoption. However, the parent is the person declared by law to be the parent in the adoption order.

Hon J.A. Scott: So the natural parents would then have no rights?

Hon PETER FOSS: That depends on the adoption law, but generally speaking that is true. That is what adoption law is all about. One must refer to adoption law to establish the rights of natural parents. In that case the reference in this legislation would mean both adoptive parents.

Hon J.A. Scott: It is referring to different people.

Hon PETER FOSS: The Adoption Act deals with any residual right or obligation reposing in the natural parents.

Hon J.A. Scott: This appears to be contrary to the adoption law.

Hon PETER FOSS: It is not, because once the adoption order is made the parent is the person declared to be the parent in the order; it is not the person who is by order of nature the parent.

**Clause put and passed.**

**Clauses 67 to 73 put and passed.**

**Clause 74: What this Division does - FLA s. 63A -**

Hon HELEN HODGSON: Is there any situation in which a third party can have access to a parenting plan? For example, I am concerned about teachers who have children in their care and they might not be able to determine who to give the child over to if the wrong parent turns up.

Hon PETER FOSS: If the parent wants to provide the parenting plan to the school he or she can do so.

Hon HELEN HODGSON: When the school cannot contact the parent who normally collects the child, is there any mechanism by which the teacher or principal can release the child into another person's custody?

Hon PETER FOSS: That is a matter that should be determined by the parents. They should provide a copy of the parenting plan to the school. A third party cannot access the parenting plan other than through the parent. I suggest that a parent who is concerned to ensure that only they pick up their child should provide a copy of the parenting plan to the school.

Hon HELEN HODGSON: This puts principals in a fairly vulnerable position. What would happen if they allowed the wrong parent to collect a child and a legal problem arose from that? Would the principal or teacher be in any way liable for having allowed the child to go with the other parent?

Hon PETER FOSS: I do not think that is a matter that is in any way borne upon by this Bill. If the Education Department has any question as to legal rights and liabilities it should take legal advice.

**Clause put and passed.**

**Clauses 75 to 92 put and passed.**

**Clause 93: Children who are 18 or over or who have married or entered de facto relationships - FLA s. 65H -**

Hon HELEN HODGSON: I understand the difference between a parenting order and a parenting plan. Is there a similar provision in respect of parenting plans or can parenting plans cover children who are in these situations?

Hon PETER FOSS: Children are not bound by a parenting plan. This clause seeks to ensure that an order is not made in respect of a person who is entitled to make up his or her own mind. A parenting plan does not have the effect of an order. If a child who is over 18, is married, or is in a de facto relationship does not want to be affected by that plan he or she does not abide by it.

**Clause put and passed.**

**Clauses 94 to 120 put and passed.**

**Clause 121: Matters to be taken into account in considering financial support necessary for maintenance of child - FLA s. 66J -**

Hon HELEN HODGSON: I refer the Minister to subclause 3(a). For some years in the field of family asset planning people have been setting up child maintenance trusts which have a tax benefit when providing for children of a previous marriage. The child has no control over that trust. A parent meets his or her maintenance obligations by transferring property which might not be earning income. Is that sort of arrangement intended to be caught under this provision?

Hon PETER FOSS: The words "that sort of arrangement" are a pretty broad statement. The clause states that the court must have regard to the capacity of the child to earn or derive income including any assets of, under the control of, or held for the benefit of the child that do not produce but are capable of producing income. I do not want to add a gloss to that but if a trust has been set up which does have the capacity to derive income for the child the court would not ignore that when it makes orders as to maintenance of the child. The obvious reason is that if a person has set up a trust for tax purposes he or she would use the trust for that benefit. The Family Court has the capacity to look at people's resources and their capacity to bring income to the fore even if they can say legally that perhaps they do not have access to it, but on the basis that given the appropriate order of the court they will manage to gain access to that asset or income. This tries to cover all the possibilities as to how that child may be supported.

The member will find a pattern here. First, the court has regard to clause 114 that says that the child must receive a proper level of financial support from his or her parents having regard to their station in life, the position of the parents and so forth. Clause 121 (2) refers to the proper needs of the child and subclause (3) expands on the income earning capacity, property and financial resources of the child. The basic test is in subclause (1), the test is in subclause (1)(a) and subclauses (1)(b) and (c) set out the issues the court must take into consideration. Subclause (2) expands the factors that must be taken into account for proper needs. Subclause (3) refers to income and that is further subdivided by paragraph (a) of subclause (3). The member will find that the clause further expands on that explanation. I do not want to add any gloss to the words for two reasons. Firstly, the words are better glossed on by the court than by me and, secondly, they come from section 66J of the Family Law Act. If members look to any Parliament for what they mean, I prefer that they look to the Federal Parliament.

Hon J.A. SCOTT: I refer to subclause (3). In the Family Court there is a lot of contention where a marriage or relationship has broken up and each partner has entered into another relationship. The parent who has the children might marry a wealthy person and there may be more children from that relationship. However, the breadwinner might be earning a small wage and is required to spend money on both families, in which case one family is impoverished and it makes little difference to the other family. The Bill states that the court must disregard the income, earning capacity, property and financial resources of any other person unless, in special circumstances of the case, the court considers it appropriate to have regard to them. Does subclause (3) have regard to that situation?

Hon PETER FOSS: I am a little reluctant to explain too deeply the meaning of this subclause for the reason I previously expressed. We are stuck with this subclause because we are trying to mirror what is already in the federal legislation with regard to nuptial children.

Hon J.A. Scott: Does it make it capable of doing that?

Hon PETER FOSS: I would rather leave it to the court to work out what it means. I am not an expert in family law. It is an area of the law that has been enacted federally and the principal Act will be the federal Act. It is not intended that there be any difference between the effect of this law and the federal law. I would not wish to be the cause of any difference in that law by reason of my somewhat ill-informed musings on the effect of this law. I am not a family lawyer and I would rather leave the words to speak for themselves with any gloss that is given in the Federal Parliament or any words that have already passed the lips of judges in the Family Court than give a legal opinion on this. I would be happy to do so if the legislation were purely Western Australian and did not need to conform to the laws that relate elsewhere. I am reluctant to go further because the member is asking me about the effect of the federal law. Whatever is the effect of the federal law, this is the same.

**Clause put and passed.**

**Clauses 122 to 143 put and passed.**

**Clause 144: Who may apply for a location order - FLA s. 67K -**

Hon HELEN HODGSON: Paragraph (d) states that any person concerned with the care, welfare or development of a child may apply for a location order. I come back to my earlier concern: Does that include the Education Department or the principal of a school?

Hon PETER FOSS: It is more likely to be a department such as Family and Children's Services or a person in whose care a child is placed as a result of a family order. I do not think it will extend to an education authority.

**Clause put and passed.**

**Clauses 145 to 172 put and passed.**

**Clause 173: What this Division does - FLA s. 68N -**

Hon HELEN HODGSON: My concern addresses the whole of this division as opposed to the clause specifically. I am concerned at the practicality of the way the violence orders will be dealt with. How can we be sure the courts will know about the existence of a family violence order and take it into consideration when they are determining the contact order requirements?

Hon PETER FOSS: Again I should point out that this clause mirrors the federal legislation; therefore, we follow the same process. We do not want to end up with different processes. We have attempted to address this in the Restraining Orders Act. Members will recall that we made elaborate provisions to ensure that they were tailored as best we could and, in doing so, we have taken advantage of the fact that we have a state court system dealing with family law matters. To the greatest possible extent we have given the power to the court - for example, the Family Court can vary or make restraining orders. There is a good capacity to make certain they know about it.



We have also provided for information to be given. I refer members to clause 181(1) of the Bill. Under the Restraining Orders Act there is an obligation on any person who applies for a restraining order to advise the court of family law proceedings. Section 66 requires that an applicant must inform the court of any family order or any pending application of such an order of which the applicant is aware. There is a requirement that the two courts advise each other, as much as is possible, of what is happening. Obviously it would be difficult if someone was totally fraudulent and did not tell anybody, but generally speaking the matters would come out because the procedures require an exchange of information between the courts and to the courts.

Hon HELEN HODGSON: It seems to flow one way more than the other: These provisions apply when the family order predates the violence order, because a person who has a violence order must inform the court about the family order, but it does not seem to work so well in reverse.

I am concerned also that contact orders will prevail over inconsistent family violence orders. I accept the Attorney's point that because we are mirroring the federal legislation, we do not have a lot of give in this matter. However, if there were inconsistencies, although I recognise that the court would be required to explain the inconsistencies and to provide counselling, and that it might impose conditions, I am not sure that those mechanisms would be sufficient to protect a child who was in a violent situation.

Hon PETER FOSS: While I share the member's concerns, we do have some constitutional problems. The Commonwealth has said that its orders will take precedence over our orders, and that is the case. Western Australia perhaps is in a better position than other States because both jurisdictions can be exercised by the Family Court. Theoretically, when our Family Court made contact orders, it could deal also with family violence orders, consider all the matters, and make sure that the two did fit together.

Hon Helen Hodgson: Only if they were both there at the same time.

Hon PETER FOSS: I am sure that one or other of the parties would make sure that the other party was told. A contact order would not normally be made ex parte. Under those circumstances, I am sure that one of the parties would inform the court that a family violence order was in place because he or she would be afraid that the other person would use the contact visit as an opportunity to be violent.

Hon HELEN HODGSON: That illustrates many of the difficulties. The Attorney said that contact orders would not be made ex parte. That means that the parties would be in the same room, the power relationships would come into play, and the parent against whom the violence had been committed would have to say why the child was at risk. I do not think that solves the problem, but I recognise that there is not much we can do.

Hon PETER FOSS: The member is under a misapprehension. When I said it would not be made ex parte, I did not say the parties would be in court. These types of matters are generally dealt with by affidavit. I would not expect parties other than counsel to be in court.

Hon N.D. GRIFFITHS: The Attorney's previous answer interested me. Is it now being contemplated that Family Court magistrates will make orders under the Restraining Orders Act at the same time as they exercise their jurisdiction under the Family Court Act? My memory of what the Attorney General said when we dealt with the Restraining Orders Bill was that that would not be the case. The Attorney will know that those who sit on the bench of the Family Court have been reluctant to get involved in that aspect of criminality, bearing in mind that at the end of the day those same personalities, in their role as judges and magistrates, have to deal with people's property and their relationship with their spouses and children, so it may not be appropriate for them to be involved in criminal matters.

Hon PETER FOSS: I am glad the member raised that point. I have taken it up with the Chief Judge of the Family Court and have pointed out to him that restraining order proceedings are not criminal proceedings but civil proceedings for an order. Enforcement is a matter of criminality, and I have agreed that any enforcement proceedings with regard to restraining orders should be dealt with in the Court of Petty Sessions, or in appropriate circumstances in the Criminal Court. It seems to me that the only reason that people rely upon restraining orders in family matters is the inadequacy of the Family Law Act process. Injunctions are certainly contemplated under the Family Law Act, which supposedly would have the same effect as a restraining order.

Hon N.D. Griffiths: The inadequacy is the enforcement process. It is not a fault of the law.

Hon PETER FOSS: That is correct. It is much more difficult to enforce an injunction under the Family Law Act than to enforce a restraining order under the Restraining Orders Act. I have taken the attitude that I would like magistrates of the Family Court to contemplate issuing restraining orders. They are not criminal proceedings but orders to restrain people from doing certain things. By all means they can say that they do not wish to be involved in any criminal prosecution that flowed from a breach of a restraining order, but I see no reason that they could not deal with

restraining orders at the same time as they dealt with contact orders, because it appears to me that we have ended up with two jurisdictions and two processes purely because of the inadequacy of the enforcement procedure. The people who go to the Family Law Court and the people who go to the Court of Petty Sessions are generally in the same situation: They have a problem with their husband or wife and they want the matter dealt with. One way of dealing with it is by appropriate orders with regard to their conduct towards each other. I am quite happy for the Family Law Court judges or magistrates to make orders under the Restraining Orders Act about the conduct of the parties in a broken marriage. They have been reluctant to get involved in criminal proceedings, but I believe the law provides that restraining orders are not criminal proceedings, although I agree that a breach of a restraining order is a criminal act, and I would not for one moment ask them to get involved in enforcement.

Hon N.D. GRIFFITHS: Those observations are interesting and I have a lot of sympathy with them, but we should note that when the Family Court deals with contempt, it has the capacity to impose criminal sanctions, as do all courts, and when it deals with the enforcement of its orders in a variety of ways, it deals with misbehaviour, which at the very least is tinged with criminality. The reluctance on the part of the court to deal with restraining orders in the past is regretted, and it would be worthwhile if those concerned gave further consideration to dealing with restraining orders from go to whoa.

Hon PETER FOSS: I have a lot of sympathy with the point made by Hon Nick Griffiths. I agree that some aspects of what they do would normally be characterised as criminal, and that other aspects, while not criminal, would be very hard to distinguish from being criminal. All I ask is that they consider that they should carry out the making of restraining orders in matrimonial cases, because I believe it is all part of the same problem. It is impossible for the parties involved to try to work out where they stand. Why must they go to a totally different court and follow a different procedure, and then have the problem of possible conflicts between contact orders and restraining orders? Why is it being done in Western Australia where, of all places, it should never happen because we have one state system? We can vest them with that power, and we can dictate the way in which they use it. The intent is for magistrates to have the capacity, when we bring in the Magistrate's Court, to move from one jurisdiction to another even though we will have principal divisions within that area; not to have to go to the farce of closing one court and opening another, but to be able to exercise all the various jurisdictions available. If a magistrate exercises family law jurisdiction he should be able simultaneously to deal with restraining orders and all the matters under the Family Law Act; he should be able to make a series of orders which deals with all the problems of contention between the parties. That should tailor those orders into each other, and the person will attend court once only and achieve a result.

**Clause put and passed.**

**Clauses 174 to 247 put and passed.**

**Schedules 1 and 2 put and passed.**

**Title put and passed.**

### **Acts Amendment and Repeal (Family Court) Bill**

**Clauses 1 to 37 put and passed.**

**New clause -**

Hon PETER FOSS: I move -

Page 26, after line 15 - To insert the following new clause to stand as clause 36 -

#### ***Restraining Orders Act 1997***

**36.** Section 5 of the *Restraining Orders Act 1997*\* is repealed and the following section is substituted -

#### **Meaning of "family order"**

- 5.** (1) A reference in this Act to a "**family order**" is a reference to -
- (a) a residence order made under the *Family Law Act 1975* of the Commonwealth or the *Family Court Act 1997*, as is appropriate to the case;
  - (b) a contact order made under the *Family Law Act 1975* of the Commonwealth or the *Family Court Act 1997*, as is appropriate to the case;

- (c) any of the things set out in subsection (2) -
  - (i) to the extent that the thing deals with the person or persons with whom a child is to live; or
  - (ii) to the extent that the thing requires or authorizes (expressly or impliedly) contact between a child and another person or other persons;
- (d) a right or liability within the meaning of the *Family Court of Western Australia (Orders of Registrars) Act 1997* of the Commonwealth that -
  - (i) is in respect of a matter to which paragraph (a), (b) or (c) applies; and
  - (ii) is conferred, imposed or affected by section 5 of that Act<sup>1</sup>.

Note 1. The effects of the transitional provisions of the *Family Law Reform Act 1995* of the Commonwealth apply to rights and liabilities referred to in the *Family Court of Western Australia (Orders of Registrars) Act 1997* of the Commonwealth - s. 4 (5) of the latter Act.

- (2) The things referred to in subsection (1) (c) are -
  - (a) a recovery order, a specific issues order or any other order (however described) made;
  - (b) an injunction granted;
  - (c) an undertaking given to, and accepted by, a court;
  - (d) a parenting plan registered; or
  - (e) a recognizance entered into in accordance with an order,

under the *Family Law Act 1975* of the Commonwealth or the *Family Court Act 1997*, as is appropriate to the case, or any thing treated, under either of those Acts<sup>2</sup> or the *Family Law Reform Act 1995* of the Commonwealth, as an order or thing referred to in subsection (1).

Note 2. Under clause 5 of Schedule 2 to the *Family Court Act 1997* the effects of the transitional provisions in that clause apply to rights and liabilities referred to in the *Family Court (Orders of Registrars) Act 1997*.

[\* *Act No. 19 of 1997.*  
 For subsequent amendments see *Act No. 21 of 1997.*]

This amendment illustrates the sort of time problems we tend to have. When the Restraining Orders Bill and the Family Law Bill began on their course, our problem was what we would put in which, depending on which one was passed first. As it happens, the Restraining Orders Act has gone through, and we now need to amend that Act to allow for the new proceedings which will be in place once this Bill becomes an Act. The amendment is to allow the orders that are referred to here to be dealt with under the Restraining Orders Act.

Hon N.D. GRIFFITHS: I have read the amendment and I agree with what it seeks to do. However, I am reluctant to add words where those words do not add anything. I refer to proposed new section 5 of the Restraining Orders Act, specifically subsection (1)(a) and (b) and the words in each case "as is appropriate to the case". I note what is stated in the Restraining Orders Act, section 5 as it stands. I note that to get some understanding we should turn to section 66, which states in subsection (2) that an applicant must inform the court of any family order or any pending application for such an order of which the applicant is aware. It would be nonsense to say that means that if a person is aware of a family order to do with someone who has nothing to do with the circumstance of the case there is an obligation for the person to inform the relevant court. It is absolute nonsense. Therefore, it is clearly the case that one informs when it is appropriate. One does not inform because it is one's next door neighbour, bar 1 000, even though the person may have read about it in the yellow Press, as it were. I am just expressing my concern that we are using the words "as is appropriate to the case". I will be interested in the Attorney's comments, because if there is no need for the words, I urge on the Attorney the proposition that we should not have unnecessary words like that in our legislation, because I would hate someone to say of him, me, or anyone else involved in this debate that we were not very careful in our scrutiny of these Bills.

Hon PETER FOSS: I am not sure why there was a change in the wording originally used. The Restraining Orders Act as it stands currently talks about "a reference in this Act to a family order is a reference to any of the following

relating to the respondent". I wonder whether a family order might relate to someone else, and that is why it has been changed from that wording to "as is appropriate to the case". I am glad the member raised the point, because it allows us to deal with it. I think it arises from the deletion in this definition of those words which are found in the current definition as "relating to the respondent". The wording "as is appropriate to the case" has been substituted for "relating to the respondent".

Hon N.D. Griffiths: Does it add anything?

Hon PETER FOSS: The member's point is that it should not relate to just any family order that one knows about. One could say that his next door neighbour has a Family Court order and he will tell us about that.

Hon N.D. Griffiths: It does not mean that. No judge will interpret this in a nonsensical way.

Hon PETER FOSS: In other words, even though we have removed the words "relating to the respondent", it is sufficiently clear that it must be a relevant family order.

Hon N.D. GRIFFITHS: I am asking the Attorney; I am not expressing a belief. I find the words curious. On the face of it, they seem unnecessary. It is not the sort of wording I like to see in a Statute. It is not the wording I would put my name to if I were drawing a document which was sought to bind parties. It is not the wording I would use in an agreement or contract. It is not something I would sign on a minute of consent orders that I was agreeing to if I had to be counselled in an appropriate case.

Hon Peter Foss: It is not the most elegant of wording. I suspect it is because the other wording, which was "relating to the respondent", was too specific.

Hon N.D. GRIFFITHS: There is another form of wording. I refer to the Family Court Bill at page 134. I suggest that the Attorney consider clause 181(b)(ii) and the words "as is relevant to the case". Even then, I am not sure it adds much but I would rather have at least the same sort of wording used.

I would not sign off on it.

Hon PETER FOSS: I was not going to use "relevant" in that wording, but it is the more appropriate word. I move -

That the new clause be amended by substituting the word "relevant" for "appropriate" where appearing.

**Amendment put and passed.**

**New clause, as amended, put and passed.**

**Title put and passed.**

#### **Family Court Bill**

##### *Report*

Bill reported, without amendment, and the report adopted.

Leave granted to proceed with the remaining stages of the Acts Amendment and Repeal (Family Court) Bill at this day's sitting.

#### **Acts Amendment and Repeal (Family Court) Bill**

##### *Report*

Bill reported, with amendments, and the report adopted.

#### **Family Court Bill**

#### **Acts Amendment and Repeal (Family Court) Bill**

##### *Third Reading*

Bills read a third time, on motions by Hon Peter Foss (Attorney General), and transmitted to the Assembly.

#### **SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL**

##### *Second Reading*

Resumed from 9 September.

**HON NORM KELLY** (East Metropolitan) [8.55 pm]: The Small Business Development Corporation's role is to

create opportunity and wealth for small to medium size enterprises in Western Australia in its recognition of these enterprises as major contributors to the State's economy. The purpose of the corporation is to represent and protect their interests throughout the State. The SBDC has an important role to play in encouraging growth and employment opportunities through the development of effective small business enterprise. To that end, the corporation provides support for industry and regional groups to enhance enterprise development. It provides advice, information and enterprise development services to prospective and existing small business operators, and it provides representation for the small business sector which helps to minimise impediments and promote a business environment which is conducive to growth. It gives strength to the small business sector of our economy.

As stated in the Small Business Development Corporation Act, its functions include to take the steps necessary for the promotion and development of small business in Western Australia; to provide assistance for the establishment, development and carrying on of small business; and to investigate the effect upon small business of policies of government, Acts of Parliament or subordinate legislation. It is the corporation's role not to implement the policy of government, but to investigate that policy and determine the effects of its implementation on the small business sector. Its functions also include recommending to the Minister ways and means by which incentives and financial assistance may be provided to small business. This area has been extended in recent times as the SBDC has taken on the role of supervising the business enterprise centres, the number of which has arisen to 36 across the State.

In the 10 year period until 1995, employment through the small business sector grew in Western Australia at an average of 3.4 per cent per annum, while the national growth rate for that period was 2.5 per cent. Western Australia has been very successful in supporting small business. The role and the work of the SBDC played no small part in assisting that growth. Approximately 270 000 Western Australians are employed in small business, which represents over 50 per cent of the private sector employment market in Western Australia. The corporation's 1996 annual report states that the corporation received almost 67 000 client inquiries over that one year, which was an increase of 13 per cent on the previous year's activities. I am not sure whether that was through the corporation being more successful or economic circumstances resulting in more small businesses needing help. However, from those contacts, it was estimated that almost 7 000 new businesses were established, and 543 existing businesses employed more staff. These are a few examples of how the corporation is intrinsically linked to the vitality of the small business sector.

I have had reason to call on the services of the SBDC in recent years; this was not so much last year, but in the few preceding years in my work owning and managing small businesses. I found the services provided by the SBDC to be not only highly professional, but also very well targeted. The corporation is in touch with the demands of small businesses. The Small Business Development Corporation comes up with the goods for assisting people who are not only setting up businesses but also running businesses. In these days when small business operators have so much legislation to be aware of, the SBDC provides a great service in a one hit supply of all the information on relevant legislation. The 1996 annual report states that two-thirds of owners of established businesses said that the advice they received from the corporation has been useful. That is probably putting it quite mildly; it performs a far stronger role. All of this points to the fact that the corporation has a fundamental role to play in the continuing development of the small business sector in Western Australia. When the corporation was set up in 1983 it was one of the first, if not the first, in Australia. It has helped the Western Australian economy in an area that could be overlooked due to the dominance of big business in this State.

Interestingly, this Bill is probably the first item of legislation we have seen this year which deals specifically with the interests of small business. This is despite the fact that many people in the business community have been screaming out for the introduction of amendments to the commercial tenancies legislation. This was introduced last year in the form of a Green Bill. The Government said it would expedite the introduction of an amendment Bill this year. Here we are in the last few weeks of our sittings of the year and we are still yet to see that legislation. I believe the Minister for Small Business stated that we should be seeing it in the next week or two. From all of my inquiries and from talking to people in the small business sector, particularly in the retail portion, I know that they are hurting badly from existing commercial tenancy legislation. They are extremely concerned that they are hearing from the Government that the new legislation will contain provisions which will apply to new tenancies and not to existing tenancies or renewals of old tenancies. That is known in the community, yet we are still waiting to see the legislation come into Parliament, which is of great concern to a portion of the community.

One of the major amendments to the legislation is the intention to increase the number of board members of the corporation. The Australian Democrats are quite supportive of the expansion of the board, but we do not support the way in which the appointments to the board are made. We will be proposing amendments to those provisions, the reasons for which I will detail shortly. In the interests of good administration it is vital that board members can offer objective, independent and critical advice. Under the current system of appointments, nothing prevents a Minister from engaging in political patronage.

Hon N.F. Moore interjected.

Hon NORM KELLY: How unusual! I do not believe that this is occurring, particularly in the SBDC. However, it is important to ensure through legislation that political patronage is not possible. The Government may come to appreciate that in future years when it is inevitably in opposition. Procedures for maintaining and enforcing standards of behaviour and avoiding practices such as ministerial patronage are essential in public life. Appointments to bodies such as the SBDC board must be conducted through an open and transparent selection process based on merit and the skills required. It would be pretty hard to argue against those sorts of selection criteria. They should include merit, qualifications and skills, equal opportunity, openness and transparency, and independence and integrity. The use of those and other principles as guides for the selection process will help to ensure that the independence of the board is not undermined. Because their selection process has been open and transparent and subject to public scrutiny, members of the board will not be tainted as having got the job by being one of the boys. Under these provisions, the best person for the job will be most likely to be selected.

Turning to the specific clauses of the Bill, clause 5 proposes to amend the legislation to provide for an expansion of the corporation board so that it will more effectively represent small business interests in regional and remote Western Australia. Looking at the current composition of the board, I am aware that such representatives do not necessarily need to live in rural or remote Western Australia, but it is essential that they have a solid connection with it. I feel that this happens at the moment and will continue to happen with the expansion of the board to take on board regional interests. We support the widening of the scope of the membership of the board for those reasons. This also helps to highlight that a lot of business development does not occur only in the metropolitan area. I mentioned the corporation's success in increasing employment. It will also have a beneficial effect on helping regional areas with bad unemployment, particularly with youth unemployment, which is directly related to our current youth suicide rates.

Clause 6 of the Bill provides for the Minister to give directions to the board. Although it is recognised that the Minister must have the power to give directions, the new provisions are another area of concern. Once again we will be introducing amendments to protect the independence of the corporation. We believe that ministerial directions must not be contrary to the interests of small business. The corporation, being an independent body, has powers under existing legislation to disagree with government legislation and policy. This power must be preserved in the interests of the small business sector. The 1996 annual report also states that the corporation has undertaken research into retail trading hours in tourism precincts and penalty rates in the retail industry. In those types of areas it could be seen that a direction could be made not to fully investigate matters, if it were not in the interests of the Government. We must ensure that independence is maintained.

Clause 8 of the Bill refers to the inclusion of a secrecy clause, which is also of concern. This is particularly so as the Government has failed to act adequately on the Commission on Government's recommendations of reducing secrecy and establishing protection for whistleblowers. We will be putting up an amendment in this area. Ideally we should not have to, but until we have sufficient legislation in this area, we must amend Bills as they come before the House. For these reasons, the Democrats question whether this legislation needs to be added to the long list of Statutes in Western Australia which contain unnecessary secrecy provisions. As I stated earlier, the Australian Democrats support the general purpose of expanding board membership; however, we have serious concerns that relate to the method of appointment of board members, ministerial directions, secrecy provisions and reporting mechanisms.

We totally support the Government's stated commitment to small business, and we look forward to suggesting improvements, which hopefully the Government will support, to make this legislation stronger. The effect will be a stronger Small Business Development Corporation and a more vital small business sector in this State.

**HON CHRISTINE SHARP** (South West) [9.10 pm]: The Greens (WA) basically support the Bill because any clarification of the role of the Western Australian Small Business Development Corporation is welcomed. After all, as small business directly supports a quarter of a million Australians we see this as a key area of the economy. The Small Business Development Corporation has worked very successfully in the past. I am told by its managing director that in 10 000 cases it assisted new small businesses or assisted in key decisions for new enterprise in existing small business. That is quite an amazing record. It received about 20 000 inquiries last year alone. It is a very busy government agency which is performing a valuable role. The SBDC welcomes these changes, so presumably they will help it to function better.

I am pleased to see two more members being appointed to the board of the corporation who will represent regional areas. This will ensure that the focus of the corporation is not only metropolitan based, but includes regional Western Australia.

A critical area of this Bill relates to amendments to section 11 to clarify ministerial direction. Section 11(2)(c) of the Small Business Development Corporation Act states that as part of its functions the corporation may, among other things, investigate matters affecting small business at the request of the Minister. This is now to be strengthened by

proposed section 11B(1), which states that the Minister may give direction in writing to the corporation with respect to the performance of its functions. This is a clarification that the SBDC is very much an agency of the Executive. I have not seen the proposed amendments from my colleague Hon Norm Kelly, and I will be interested to look at them.

Hon N.F. Moore: A bit of advance notice would be helpful.

Hon CHRISTINE SHARP: Presumably the amendments will be circulated shortly.

Hon N.F. Moore: One can only hope these things happen.

Hon CHRISTINE SHARP: This tightening of the functions of the Executive is not necessarily a bad thing, given that we have other non-governmental small business organisations which are independent and can perform a role of watchdog or representing small business, if necessary in a critical fashion - organisations such as the Retail Traders Association of Western Australia and the West Australian Small Business and Enterprise Association. They are independent lobby groups. The Small Business Development Corporation has a different function. If the Australian Democrats have concerns, I am happy to look at those concerns open-mindedly and judge them on what I consider to be their merits. The clarification between the independent role of trading associations and the executive role of the Small Business Development Corporation is not necessarily a bad thing.

Hon N.F. Moore: The Minister can direct it now under the existing Act.

Hon CHRISTINE SHARP: With the tightening of this Act, it will be steering the development corporation in that direction.

Hon N.F. Moore: The Bill requires any direction to be reported; to be made public. Under the existing Act, it does not have to be. We will talk about that later.

Hon Bob Thomas: It is listed in the annual report.

Hon N.F. Moore: Now it does not have to be.

Hon CHRISTINE SHARP: I await with interest to see what will come up tomorrow if the amendments are presented. At present I am happy with this Bill.

Debate adjourned, on motion by Hon Bob Thomas.

## **GRAIN MARKETING AMENDMENT BILL**

### *Second Reading*

Resumed from 10 September.

**HON KIM CHANCE** (Agricultural) [9.16 pm]: The Opposition is pleased to support the Bill. When I first made inquiries from unnamed government sources about their view of the industry reaction to the proposed changes to the Grain Pool of WA, in a thumbnail sketch I was told that the WA Farmers Federation thinks it goes a little too far, the Pastoralists & Graziers Association of WA does not think it goes anywhere near far enough, and we think we have it about right.

Hon E.J. Charlton: Surprise, surprise!

Hon KIM CHANCE: I concur with that unnamed government assessment of the Bill. It has responded to changes that were needed for reasons I will go into a little later; however, it has not thrown out the baby with the bath water.

The amendment Bill sets out to modernise the marketing and accountability arrangements under which the Grain Pool of WA operates. It has established a remarkable and well deserved reputation as an international marketer with a great deal of skill and innovation. Of course, it is not only an international marketer; it is also a domestic marketer of grain of some importance. The Grain Pool, although not by that name, but as constituted, recently celebrated its seventy-fifth anniversary. In 1922 at its inception, it was called the Wheat Pool of Western Australia; it did not acquire the name Grain Pool until about 1975.

I will draw a couple of comments from a speech made by the Chairman of the Grain Pool board, Mr Rob Sewell, at a function held at the Burswood Resort Casino quite recently; that is, the celebration by the Grain Pool of its seventy-fifth anniversary. The seminar which was the key to the celebration was attended by a number of grain trade operators from around the world. It brought home to me, probably more than any other single aspect, the very high regard in which the Grain Pool of WA is held as a marketer. That factor did not necessarily impress some of the overseas visitors. One of the Canadian speakers to the seminar asked the people present to indicate who among them

were growers. He was as surprised as I was when about 60 or 70 per cent of the people in the room put up their hand. He said that such a thing would not have happened at a function of that type in Canada in that so many growers would be directly interested in the international marketing aspect of their product. That says a great deal about the grain industry in Western Australia particularly. I could have said Australia generally, but it is probably more true of Western Australia than of anywhere else in the world. The people who grow the grain are not only interested in being at the leading edge of production technology, but also want to be at the leading edge of the marketing and end use technology being employed which is changing at a remarkable rate.

I said I would draw a couple of points from Rob Sewell's speech to that conference. These are facts to remind the House of what the world was like in 1922 when the predecessor of the Grain Pool began. At that time Russia became the Union of Soviet Socialist Republics; the British Broadcasting Corporation was formed in Britain; and Egypt gained independence from Great Britain. It was 34 years before television started in capital cities in Australia; 11 years before Co-operative Bulk Handling Ltd was formed; and two generations of farmers would pass before farmers had access to fax machines, computers and the Internet in their marketing arrangements. We were going back into quite primitive marketing arrangements. Farmers had the capacity only to produce the grain, which was hard enough at that time, and perform the most rudimentary marketing functions, which were no more than hauling a load of grain into the nearest town and doing business with the grain buyer at the railhead.

Hon Bob Thomas: In bags.

Hon KIM CHANCE: Of course, in bags because it was 11 years before the formation of CBH. That led to what became the Wheat Pool of Western Australia, and later the Grain Pool of Western Australia. The marketing system evolved by the forerunner of the Grain Pool was essentially a pooling process, international marketing process and shipping facilitator. When one thinks of the fundamentals of life in rural Western Australia and the huge difference between then and now, it is remarkable how little the marketing system has changed. That is not to say this has not been a responsive industry but, more, it is an indication of how remarkably advanced our forefathers in the Wheat Pool of Western Australia were 75 years ago. It should be borne in mind that the major marketer of grains in this country is the Australian Wheat Board, generally thought to be the senior partner in grain marketing arrangements, and its history goes back only 57 years. Therefore, the Grain Pool is very much the senior partner.

In supporting this Bill the Opposition hopes it will enable the Grain Pool to enter the next century with the flexibility and capacity to continue to hold or improve its position in the international grain trade. This trade is about the toughest market on earth, and it has been a corrupt market - corrupted at the highest level, the government level.

The Bill makes some fundamental changes to the Grain Marketing Act 1975 and the key changes can be quickly listed. The Bill deregulates the domestic market for prescribed grains - barley, angustifolius lupins and canola, and deregulates the export market for value added prescribed grains where value added means a change to the physical characteristics of the grain. It relaxes the export restrictions for prescribed grains which are in bags or containers; completely deregulates linseed; increases the number of board members by one ministerially appointed member; introduces improved accountability measures, which are broadly in line with the Burt commission recommendations; improves accountability to growers; removes the legal requirement for the Producers' Council; allows the board to set up and/or hold shares in companies in Australia or overseas; and allows the board to hedge or trade in futures but only to the extent necessary to limit the risk in the physical market. That is an issue raised by my colleague the member for Eyre in debate in the other place, and since that time the Opposition has been provided with an explanation by the Minister on that last point and on two others.

It is worth this House taking a good look at any grant of power by legislation to allow a statutory marketing body to trade in the futures market. There have been occasions overseas and in Australia where grain trading corporations and other marketing bodies have got themselves into awful difficulties by using the futures market as more than a hedging process. It is absolutely vital for any grain marketer, and especially any meat marketer, to have the capacity to trade on the futures market because much of the trade is sold long on the physical market and it is necessary to be absolutely certain that prices are locked in in real terms. That can be done only by hedging the forward sale on the futures market. To suggest, as some people have, that any dealing on the futures market by a trader is nothing more than speculation is arrant nonsense. However, the line must be drawn between speculation and responsible hedging in the futures market by the degree to which the futures trading is covered by the physical trading. If a trader chooses not to use the futures market at all, he is speculating every bit as much as if he were using the futures market to a greater extent than he has coverage on the physical market.

The Bill seems to make that quite clear in that the Minister spoke about risk management. The Minister said that if the Grain Pool attempted to increase grower returns through futures, by trading in futures in excess of the physical, it would almost certainly be speculating and, hence, contravening the Act. Those are the words people were looking for.



I go back to some of the details of the key changes to the principal Act. I refer to the term "value added" because it is a key change in the Bill. The Bill has the effect of deregulating the export market for value added prescribed grains where value added means a change to the physical characteristics of the grain. I imagine the architects of this Bill had some difficulty with that.

It is a proper reaction to the changes occurring in the market to say to the grain processing industry in Western Australia that if it can convert the wholegrain into some other more saleable and higher priced commodity there is no reason the producers' ability to export should be in any way hindered. Unfortunately every time we do that people will push the lower end of the definition of what is value adding, so much so that it is quite possible that somebody could run a line of grain through a grader, take out a bit of dust and foreign seed and say that it has been value added to the extent of \$15 or \$20 a tonne, therefore we can get around the "single desk" export requirements within the Act. The architects of the Bill have opted to use the word "physical" change in the definition of what is value adding. A physical change can be something as simple as cracking the grain. I guess that is the new low point in what can be done to qualify under that definition.

However, in broader terms this Bill will achieve the aims which it is intended it will achieve; that is, with more capacity for grain processors to chase smaller markets, and some of the big markets which exist for value added grain, not only the greater level of exports will be ultimately facilitated but also of course all that work will stay in Western Australia. One of the key outcomes of this Bill in the immediate and perhaps more so in the long term will be strong employment growth in the grain processing area. The complete deregulation of linseed is inevitable. It is no longer a grain of huge importance in Western Australia. The increase in the board of one ministerially appointed member is said, I understand, to be justified on the basis of the requirement for the board to have among its members more commercial expertise. I am always nervous when a board seems to be achieving more sweeping commercial powers and becoming less producer controlled. I have always had the view that where statutory corporations feel the need to increase the commercial competence available to boards, they are much better off hiring it than diluting the producer controlled element. I do not object to this, I simply note that I am concerned to see yet again an attempt to bring in commercial competence, essentially on the cheap, and a dilution of producer control.

For the benefit of members who do not have a long agricultural history, the great statutory marketing corporations and in particular the great grain marketing corporations in Australia, from their inception until about the middle of the 1980s, have been either wholly or predominantly grower controlled. The huge market manipulations that have occurred in this country during those years, in particular the upheavals that took place in international trade post Second World War, were all managed effectively by Australian grain marketing bodies with wholly producer controlled boards. I am extremely concerned to see that element of change. I suppose if we were to pick a time when the change occurred it would be probably during John Kerin's time as Federal Minister for Agriculture in the Whitlam Government. Since then we have seen a general trend towards a replacement of grower control of marketing boards to more commercially oriented corporate structures. I am not at all sure our interests are being well served in that regard.

The changes in the Bill which improve accountability in line with the Burt commission's recommendations are obviously strongly supported by both sides of the House. The improved accountability to growers is also most welcome. The removal of the legal requirement for the Producers' Council is something I raised my eyes about when I first examined it. It is another matter on which the Minister has provided a response to the Opposition. I am happy to share it with members.

The Producers' Council is an advisory body established under the existing Act. It provided a valuable capacity for the Grain Pool to be able to access directly the view of producers. It was there as a legal requirement. Sometimes it made life a little difficult for the board. I hope that is not the reason for this change. The change in the Bill is that the legal requirement for the Producers' Council will be abolished. The Minister's explanation is that while the Bill removes the former requirement for the Producers' Council it is expected to be continued with a similar structure and function to those which it has. The removal of the Producers' Council from the Act is designed to make the council easier to run and operate and allow the Grain Pool to give it a more flexible role as the operations of the Grain Pool develop. There is no intention to disband the Producers' Council. Only time will tell us how that spirit is expressed in action. I sincerely hope the Producers' Council continues to operate in a more effective way. It has made a valuable contribution.

The Bill also allows the board to set up and/or hold shares in companies in Australia or overseas. That issue raised some concerns, although not particularly mine, in debate in the other place. The Minister has advised that the Grain Pool has not had any shareholding in its investment portfolio for about 10 years. The Grain Pool has a 100 per cent shareholding in its subsidiary trading arm AgriCorp.

Given the economic and market environment in which the Grain Pool will be operating it is reasonable to expect that it will want to take a position with companies in various countries in producing goods which are developed from

Western Australian grain. It has been a feature of the Australian Wheat Board's operations for many years. I expect that will be a part of the Bill of which the Grain Pool will make good use. The effect of the changes will be that the Grain Pool of Western Australia will retain the benefit of "single desk" export operations. I have had a few words to say about the single desk. Certainly a great deal was said in the media, particularly in country areas, about the importance of the single desk. For members who have not heard it, the term simply refers to the export monopoly which the Statute effectively grants to the corporation concerned. A prescribed grain cannot be exported, other than through that single desk. That concept began very early with the grain marketing bodies, simply because it was necessary for the grain marketing public corporations not only to eliminate competition from international traders, particularly in the wheat industry 57 years ago, but also to have the power of acquisition to enable the grain marketer to sell long on the market and deliver that grain and have an assurance that it would be able to access that grain. It is a concept that is probably not popular with modern market manipulators and that will face some scrutiny from the national competition policies that have grown out of the Hilmer principles. Nonetheless, it has been a strongly supported principle, albeit with some significant detractors among grain growers for over 70 years. I suspect it will continue to be a key element of grain marketing in Australia.

The Bill also will allow new marketers to enter the export field for value added grain producers and, in the case of whole grain, to provide in containers to small niche markets with the exception of those in Japan and Thailand. That is an issue on which every non-metropolitan member of Parliament has been lobbied over the years, particularly in respect of barley into southern China. We have always been told about these niche markets, particularly those existing in the South Pacific, but also in South East Asia and, on some occasions, Africa. We are told we can get a price two or three times above what the Grain Pool pays, but the Grain Pool simply will not quote us a price to support the barley for export. If that is the case, an opportunity is provided by this legislation, because significant quantities of grain can be exported in containers. Often we talk about markets in which port facilities to handle bulk grain are not available and the container shipment of grain is about the only way we can get large quantities of grain into those markets. I am hopeful we will either prove or disprove the case for the niche markets that have been put to us by potential exporters.

I have said previously that the changes should create employment, particularly in the value adding and export areas. Generally the changes can be said to modernise the marketing and accountability provisions under which the Grain Pool operates. I have referred to accountability issues before and I have touched on the national competition policy principles, as did the Minister for Transport in his second reading speech. He advised that the legislation is scheduled for a national competition principles review in the next financial year. As part of that review the single desk selling mechanism for the remaining prescribed grains must meet a public interests test.

I find disturbing some issues about the application of national competition policy principles to grain marketing because I believe the Hilmer principles and national competition policy principles have been vastly misunderstood. I was told recently that Hilmer had made a similar statement, although I have not been able to put my hands on it. I have always had the view that there was a sound principle behind the Hilmer policies, but that it was not necessarily encapsulated in its truest form in the legislation we have seen so far. Perhaps as these review processes run their course, we will be able to make a more accurate judgment. The changes that are proposed in the Bill will assist in the process of meeting that review test.

Between now and the five year period that must elapse before the Government's obligations under the competition policy agreement fall due we will have time to assess the impact of the changes that have been made on the marketing arrangements. In my view the changes have not sprung from the pressure that has been put on the marketing corporations as a result of national competition policy or the threat of same. In fact, the changes we are seeing now would have occurred in any case because the factors that have driven the need for change have been related more closely to sweeping changes that have occurred in the world marketplace than to domestic policy. The international market has undergone fundamental revisions. For example, not long ago many of Australia's most important grain customers dealt with Australian grain marketers on a Government to Government basis. However, when we consider who are and who have been our major clients, we see that huge political changes have occurred in the former USSR and radical alterations of internal policy have been made in China, Egypt and a number of Middle East markets. Those were all markets Australia dealt with on effectively a Government to Government basis. However, in each of those countries our grain marketers are now dealing with dozens, if not hundreds, of competing buyers, traders and manufacturers in markets in which they previously had to service only the needs of a single buyer.

Changes also have occurred that have been driven by economic issues. For example, the stock strategies of our buyers have begun to pick up the "just in time" strategies, so they are not storing huge quantities of grain. They must have access to a much more responsive market than they have been able to provide in the past. There has also been spectacular growth in some markets. One that was identified at the International Grain Marketing Conference was the beer market in China. Beer is a major end use for Western Australian malting barley. Kevin Swan, the Chief Executive Officer of the Grain Pool of WA, stated -

China is the most significant of these developing markets. The Chinese beer brewing industry has experienced phenomenal growth over the past decade. Beer production increased from 31 million hectolitres in 1985 to 154.6 million hectolitres in 1995, close to a 400% increase. This is projected to increase to around 250 million hectolitres by the year 2004.

Although they are big numbers in gross figures, the impression they created on me was exceeded by a statement from an operator in China who gave the per capita consumption of beer and the increase in that consumption in southern China. I will not try to remember the figure, because it was an off the cuff statement; however, it was a spectacular increase - something like a 30 times increase in per capita consumption. Similarly, the scale of the market for pulses is enormous. Information was provided at the conference by Essa Al Ghurair, the General Manager of Gulf Imports and Exports in the United Emirates.

India has a population of 901 million, which is 16 per cent of the world's population, and is the sixth largest economy in respect of gross domestic product. It has a middle class exceeding the whole population of the United States or the European Union. A quarter of its population are staunch vegetarians whose essential source of protein is pulses, some of which come from Australia.

The market in which the Grain Pool is operating is rapidly changing and it needs to be able to accommodate that rapid change. This legislation has sought to retain the basic framework of the marketing system that has served Western Australian grain growers extremely well for the past 75 years, but has also set out to respond to changing conditions by introducing freedom and flexibility to marketing operations. I am interested in the contrast between the Grain Pool and the Australian Wheat Board's responses. The board has done all of these things, but it is in the process of corporatising its structure. I am unsure whether one approach will be seen as more appropriate than the other. We should be able to make that judgment in four or five years.

Other issues are canvassed in the Bill and the Opposition is generally comfortable about the changes, although a couple of amendments have been foreshadowed. Members on this side are interested in taking part in debate on them at the appropriate time. Generally the Opposition supports the proposed changes and commends the Bill.

Debate adjourned, on motion by Hon M.J. Criddle.

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

1. Acts Amendment (Legal Costs) Bill.
2. Land Administration Bill.
3. Acts Amendment (Land Administration) Bill.

Bills returned from the Assembly without amendment.

#### **BILLS (2) - ASSEMBLY'S MESSAGES**

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Water Legislation Amendment Bill.
2. Water Services Coordination Amendment Bill.

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

##### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to amendments Nos 1 to 4 inclusive and Nos 6 to 11 inclusive made by the Council and had disagreed to amendment No 5 for the reasons set forth in the schedule annexed.

#### **LOAN BILL**

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

##### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [9.55 pm]: I move -

That the Bill be now read a second time.

This Bill seeks the necessary authority for the raising of loans to enable the State to assume responsibility for the debt raised on its behalf by the Commonwealth under the 1927 Financial Agreement between the Commonwealth and the States. Authority to borrow for the purpose of redeeming maturing financial agreement debt has been provided for in the Loan (Financial Agreement) Act 1991 and the Loan Acts 1991 to 1995 and, while no additional authorisation was required for 1996, is expected to continue for a number of years until the State assumes full responsibility for this particular category of debt. Redemption of maturing financial agreement debt is in accordance with the agreement between the States and the Commonwealth, that the States would assume responsibility for this debt on a phased basis over the period 1990-91 to 2005-06.

The Commonwealth compensates the States and Territories for the additional borrowing costs of this change based on interest margins between commonwealth and state debt applying at, and prior to, the change. In addition, the Commonwealth provides compensation for its reduced sinking fund contributions due to the accelerated decline in outstanding debt on which those contributions are based.

The borrowing authority being sought this year is for the raising of loans of up to \$20m for the purpose of the redemption of maturing financial agreement debt only and no authority is being sought for borrowings for public purposes generally. This is the fourth successive year that no authority has been sought for borrowings for public purposes and reflects the success of the Government's management of the State's finances in eliminating the deficit on the consolidated fund and a reliance on borrowings.

The level of borrowing authorisation for the redemption of maturing financial agreement debt has been determined after taking into account the estimated unexpired balance of previous authorisations as at 30 June 1997. It is also necessary to have sufficient borrowing authority to cover the maturing financial agreement debt for a period of up to six months after the close of the financial year pending the passing of a similar measure in 1998. The balance of the authorisation at 30 June 1998 for redemption of maturing financial agreement debt is estimated to be \$11.7m, which should be sufficient to cover the maturing financial agreement debt in the second half of 1998 after taking into account available sinking fund balances. The machinery nature of this Bill is consistent with the corresponding provisions in the Loan (Financial Agreement) Act 1991 and Loan Acts 1991 to 1995, which have also contained the authority to borrow for the purpose of redeeming maturing financial agreement debt.

In accordance with clause 4 of the Bill, the proceeds of all loans raised under this authority for redeeming maturing financial agreement debt must be credited to an account called the "Redemption of Financial Agreement Debt Account", which is to be part of the trust fund under the Financial Administration and Audit Act 1985 and that moneys in the account are only to be used for the purpose of redeeming maturing financial agreement debt. In addition to seeking the authority for loan raisings, the Bill also permanently appropriates moneys from the consolidated fund to meet principal repayments, interest and other expenses of borrowings under this authority. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

## **RESERVES BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [9.58 pm]: I move -

That the Bill be now read a second time

This Bill is similar in intent to many others which have been brought before the House to obtain Parliament's approval to vary class A reserves. This Bill has six clauses dealing with separate reserves as follows -

Clause 5: Class A reserve No 2682 is set apart for the purpose of "public park" and is vested in the Albany Town Council. The reserve is situated on Mt Clarence, Albany. While investigating a suitable site for a satellite receiver dish for SBS Television's regional services, the Town of Albany has found that existing facilities on adjoining reserve No 16692 encroach onto reserve No 2682. This clause seeks to amend reserve No 2682 by the excision of an area of 2 521 square metres. This action will then allow reserve No 16692 to be redescribed and amended to include the former portion of reserve No 2682. This additional area will accommodate the establishment of a satellite receiver dish and regulate encroachments.

Clause 6: Class A reserve No 12397 is set apart and vested in the Minister for Water Resources for the purpose of "water". The Water Corporation has advised that the reserve is now no longer required for its designated purpose.

Following appropriate referral, the reserve has been determined to be of conservation value by the Department of Conservation and Land Management. It is that department's wish that the reserve purpose be amended to "conservation of flora and fauna and water" so that it can vest in the National Parks and Nature Conservation Authority. The Shire of Brookton supports this proposal subject to local farmers being allowed continued access in drought conditions to water from the well situated in the western corner. This proviso has been agreed to by CALM and "water" has been left in the proposed amended purpose to reflect this undertaking. This clause seeks Parliament's approval for the amendment of the purpose of reserve No 12397 to conservation of flora and fauna and water.

Clause 7: Class A reserve No 18987 is set aside for the purpose of "national park" and is under the control of the National Parks and Nature Conservation Authority. The reserve is known as the Porongurup National Park. In 1954 reserve No 18987 was reduced by the excision of an area of approximately 16 acres - 6.4750 hectares - to allow for the creation of the Mt Barker water supply - Bolganup Creek lower damsite, reserve No 24151 - and the dam was constructed thereon in 1957. The Water Corporation has advised that this dam does not meet modern safety criteria and it will be upgraded. The upgrade will include additional fill on the face and toe of the dam to increase the wall stability, and the construction of a new spillway with increased capacity. Site survey has been carried out to ensure all existing infrastructure and the proposed modifications will be contained within reserve No 24151. This reserve is to be redescribed to contain the lesser area of 6.3486 hectares. The National Parks and Nature Conservation Authority supports this proposal. The survey also revealed that portion of the Bolganup Road as constructed is not within the dedicated road reserve. Accordingly, it is intended to close, via this clause, portion of the road and include the redundant portions in the national park. The road will be rededicated as constructed as a separate action. It is also proposed to include several other pieces of land totalling 109.7644 ha into the national park to rationalise the park boundary and aid management. This clause seeks Parliament's approval for the amendment of reserve No 18987.

Clause 8: Class A reserve No 9337 is set aside for the purpose of "recreation" and is vested in the City of Subiaco. Part of the reserve is currently leased to the West Australian Football Commission for parking. The city and the WAFC have reached an agreement which aims at resolving vehicle parking issues within the residential precincts of Subiaco, simplifying lease agreements between parties and allowing sporting events to be conducted on reserve No 41874 after sunset by increasing its size, amending the purpose of reserve No 9337, and allowing the creation of a new reserve specifically for vehicle parking. This clause seeks Parliament's approval for -

- (a) the excision of an area comprising 1.1227 ha, now forming part of the land contained in Swan location 12732 and all the land contained in location 12733 as surveyed and shown bordered red on land administration plan 19514, from reserve No 9337;
- (b) the amendment of the purpose of reserve No 9337 from "recreation" to "recreation and occasional vehicle parking".

Clause 9: Class A reserve No 21429 is set apart and vested in the National Parks and Nature Conservation Authority for the purpose of "conservation of flora and fauna". As a condition of subdivision of an adjoining freeholding, the State Planning Commission required that lot 235 on plan 20781 be ceded to the Crown and incorporated in the abovementioned reserve. The Department of Conservation and Land Management supports this proposal, and no objection has been raised by either the Shire of Toodyay or the Department of Minerals and Energy. It is considered previous tenure - privately held freehold - was inconsistent with the continued exercise of native title rights and interests. Accordingly this matter can proceed without further reference to the provisions of the Native Title Act 1993. This clause seeks the approval of both Houses of Parliament to include the area contained in lot 235 in reserve No 21429.

Clause 10: Class A reserve No 27575 is set apart as "national park" and is under the control of the National Parks and Nature Conservation Authority. The reserve is known as the Neerabup National Park. At the request of the Water Corporation on 20 November 1995, Cabinet approved the excision of Swan location 12520 for the development of a water treatment plant to service the rapidly expanding urban development in the region. The National Parks and Nature Conservation Authority's support of the proposal was conditional, and Cabinet directed the former Water Authority of Western Australia to fund the acquisition of at least an equivalent area of private land for inclusion into the national park. Should the area be excised from the national park it is proposed, via the normal Executive Council process, to set aside Swan location 12520 for "ground water treatment plant" and vest it in the Water Corporation. This clause seeks the approval of Parliament to the excision of 8.7896 ha from reserve No 27575.

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) [10.05 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Priority Schools Program*

**HON LJILJANNA RAVLICH** (East Metropolitan) [10.06 pm]: I bring to the attention of the House a matter that has been brought to my attention in the East Metropolitan Region; that is, threats to the priority schools program funding and the impact that will have on schools in the region and, no doubt, across the State. Before I address that matter I wish to put it in context. An Australian Bureau of Statistics report which was released on 8 September 1997 indicates that almost half our adult population lacks basic reading and writing skills necessary for everyday life. The media response to that report was significant, to say the least. Editorials and many newspaper articles were written about the issue. The federal Minister for Education, Dr Kemp, certainly stirred up debate, and continued to highlight the difficulties with literacy in Australian schools. When that debate reached its peak, I thought it was what one could expect, considering what has been loaded onto schools since the conservatives in this State came to office.

We need to reassess the role of schools and to aim for the achievable. Under this Government we have seen enormous change and enormous implications for not only teachers but also children and the whole school community. For example, we have had the local area framework, the restructuring of district and central offices, the establishment of the Curriculum Council, and the new Education Act - in spite of the fact that in 1993 the coalition made a commitment that it would amend the Act, not necessarily produce a new Act. Nevertheless that is what the Government has chosen to do. Constantly we ask the Government questions about drugs and education, and the Government says that it is addressing those issues. Enormous pressures are being placed on schools and the rate of change has been too fast. As a result, some of the fundamentals perhaps are being overlooked, and that is probably one reason we are not doing as well as we might with literacy. In its wisdom, the Government was looking for something to jump up and down about. In October 1995 the then Minister for Education released a press statement indicating that the Government would spend \$14m over the next three years to support the expansion of the languages other than English program - the LOTE 2000 program. In spite of the Government's rhetoric there has not been a lot of action in that area. Apart from a few teachers undertaking professional development, the Government will not come near to meeting the targets set for the LOTE 2000 program. Be that as it may, I was horrified to hear that one of the ways in which the federal Minister for Education intends to address this literacy issue is by forming a special literacy fund.

It would be a good idea to form a separate fund rather than to adopt a policy of robbing Peter to pay Paul. Unfortunately, the money will come from the priority schools program. For members not familiar with this long established program, it is designed to level out disadvantage among Western Australian schoolchildren. In my consultation with a number of schools, I am advised that some schools, certainly in the metropolitan area, will be losing anywhere between \$40 000 and \$50 000 in this funding. I suspect that the amount could be even more significant in more isolated areas. This involves a substantial sum of money generally allocated to schools in disadvantaged areas. The money is often put towards the purchase of computers and computer programs or for topping up the library with reading books.

Hon B.M. Scott: It is commonwealth money.

Hon LJILJANNA RAVLICH: It may be commonwealth money, but Hon Barbara Scott should be very concerned because many schools in her electorate will no longer be allocated PSP funding. They will be disadvantaged. We expect the Government to make up the shortfall. The bottom line is that 186 schools in Western Australia will be affected by the reallocation of PSP funding. Schools have been told that if they want to access the money, they can forget about PSP funds and they can apply for literacy funds. They might be lucky to access those funds.

I do not support the notion of taking funding from the disadvantaged and allocating it elsewhere. The bottom line is that the money was allocated in the first place for good reason; namely, those children were in need. Frankly, if we agree to the notion that children are our greatest resource, this is an appalling policy decision.

Hon Derrick Tomlinson: Will you accept the argument that we should be funding schools on the needs of children, not on a uniform basis with some add-on project such as PSP or PEAC?

Hon LJILJANNA RAVLICH: PSP is not an add-on project.

Hon Derrick Tomlinson: Yes, it is.

Hon LJILJANNA RAVLICH: If it were, every school in the State would have it.

Hon Derrick Tomlinson: It is not an integral part of schools' resources.

Hon LJILJANNA RAVLICH: The bottom line is that 180 schools received funding for special purposes.

Hon Derrick Tomlinson: And 300 schools were in need.

Hon LJILJANNA RAVLICH: That funding will no longer be available. I am advised that under the new funding arrangements, no preferential treatment will apply to disadvantaged schools with literacy funding. That must concern us all.

This Government is hell-bent on ruining the state education system. It must indicate a level of support for the state education system to ensure that when the Commonwealth withdraws these funds, the State Government will allocate money in its Budget to, if not that specific project, a very similar project to address the priority of disadvantaged schools.

Finally, it would be good to receive an undertaking from the Government that it will do as I suggest in its Budget. It is highly unlikely that it will do so, but I put out the challenge. I hope members opposite can meet that challenge.

*Adjournment Debate - Alcoa's Transportation of Dangerous Goods*

**HON GIZ WATSON** (North Metropolitan) [10.13 pm]: I speak tonight on an issue which has recently come to my attention, and one which has caused me a great deal of concern. It is apparent that Alcoa of Australia Ltd and its contractors are transporting material of a highly toxic nature across Anketell and Abercrombie Roads in the suburb of Postans near Kwinana Beach. These two roads are crossed when Alcoa's uncovered trucks travel between mud lakes in the locality of The Spectacles, and Alcoa's Kwinana Beach tailing dams.

Under analysis, spillage samples taken from the Abercrombie Road crossing indicate a very high pH level of 9.7 pH. Measurement of pH levels from material obtained from the rear of one of these trucks indicated a level of 10 pH. PH levels range from extremely acidic at zero pH, with extremely alkaline being 14 pH, and neutral being 7 pH. Therefore, both samples had high alkalinity.

All vehicles transporting dangerous goods in bulk in Western Australia must comply with the Dangerous Goods Regulations 1992, and must be carried in approved containers. Furthermore, trucks must be correctly tagged identifying the type of dangerous goods being carried and their risks. It was not apparent from observing any of these trucks that they carried any such dangerous goods tags.

It is also apparent that small open tippers have left Alcoa's Kwinana refinery carrying corrosive liquids as identified by class 8 dangerous goods signs, yet have been uncovered and have not met Australian Standard 2809, parts 1 and 4, for the transportation of dangerous materials. These tippers travel via Weston, Morley and Beard Streets, down Rockingham and Anketell Roads, then turn off onto a private road eastwards which crosses Abercrombie and Anketell Roads to the final destinations of the mud lakes in The Spectacles. After dumping their loads, the trucks return via Hope Valley, Rockingham and Cockburn Roads to the Alcoa refinery. There are no decontamination facilities at the mud lakes site, so any caustic material adhered to these vehicles is likely to fall onto public roads. Furthermore, Alcoa is using contractors for the transportation of hazardous chemicals from its refinery to various locations. One such company, WOMA (Australia) Pty Ltd, has a contract to carry out high pressure water blasting and de-scaling at Alcoa's site. WOMA's vehicles, without decontamination, travel on public roads over a distance of 15 kilometres to WOMA's Bibra Lake workshop. No visible dangerous goods signs are apparent on its industrial vacuum cleaner vehicle, identified as the "Super Sucker", which contains corrosive liquids.

Other vehicles transport uncleaned and potentially contaminated industrial equipment and small plant along this 15 km route. Cleaning and decontamination then takes place at the Bibra Lake depot. For approximately four years until recently, vehicles and equipment covered in caustic material were washed off and the contaminated material entered a soak well at WOMA's Bibra Lake depot, enabling the contaminated materials to enter the ground water. The impact of this practice is unknown and, I assume, unmonitored. About a year ago this practice changed and a recyclable washing and catchment area was established. It is unknown whether any of the current decontamination procedure has led to corrosive material being leached into the water table near Bibra Lake.

It is understood that WOMA transports potentially contaminated vehicles and equipment not only from Kwinana, but also from the Worsley alumina site and Alcoa's two sites at Pinjarra and Wagerup. Even with the decontamination procedure taking place at the Bibra Lake site, it is in the interests of neither the local community and schools, nor the general public, to have unmarked vehicles covered in contaminated dust and mud travelling along major public roads. It is notable that a similar company in New South Wales was fined \$130 000 for polluting its site through incorrect decontamination procedures.

Employees and union representatives have brought these matters of contamination and safety to the attention of both

WOMA's and Alcoa's managers in the past, but it appears that these concerns have merely fallen on management's deaf ears. Also, it appears that WOMA has taken punitive action against employees for raising these environmental and safety concerns and other matters. It is extremely inappropriate that these activities are allowed to continue without the Department of Environmental Protection and the Department of Minerals and Energy taking action. I hope that as a result of my bringing this issue to the notice of the Legislative Council the authorities will investigate these possible breaches and enforce proper safety and dangerous goods carriage guidance for the transportation of these caustic materials and contaminated equipment.

*Adjournment Debate - Media Statement of the Member for Armadale*

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [10.18 pm]: This afternoon in this place we had a debate about concerns being expressed by the Opposition regarding the contracting out of public transport. Tonight I received an inquiry from the media regarding a statement made by Alannah MacTiernan, the member for Armadale. The media statement by Ms MacTiernan is deliberately misleading, and I will be seeking legal advice on its content.

The media statement contains accusations that the Government gave private bus operators first pick of buses. That is unequivocally incorrect. Ms MacTiernan states that having given these vehicles to the private operators the Government set about giving them money to make repairs to those vehicles. That is also incorrect. As I said today, I welcome the Opposition's inquiries into these transactions and public transport operations. However, I make a friendly suggestion to the Opposition on these outlandish, misleading and incorrect statements about private bus operators getting preference on vehicles and the Government giving them money to fix up the vehicles. I have gone to great lengths to be more than fair to MetroBus and its employees because I have not wanted to single them out in the problems associated with the lack of maintenance on vehicles and some of the mis-trips that have occurred. I have evidence that lists how the MetroBus operations have been running. I have kept that to myself, because I did not want to be seen to be denigrating public servants carrying out their tasks and responsibilities to the best of their ability under circumstances in which they operate. However, if the public of Western Australia and I are continually subjected to a barrage of absolute lies which misconstrue the private transport operations I will have to take appropriate action.

Hon Tom Stephens: That would be most unkind and unfair.

Hon E.J. CHARLTON: This media statement is not fair play.

Hon Tom Stephens: Does the media release not draw on the Minister's answers to the House?

Hon E.J. CHARLTON: It has nothing to do with my statements in the House. It talks about information that the member received from some employees of the private bus operations and uses language like "a free-for-all in maintenance spending by the private contractors".

A decision was made through a process of the Department of Transport in full consultation with MetroBus on the vehicles that were owned by the Government following the contracting out of various areas of MetroBus. The vehicles were delivered by MetroBus employees to the private operators. The private operators had no say over which vehicles they got. The vehicles were left in the depot. At the end of one week they were transported to the new operator prior to their start up, in most cases by MetroBus employees or by the private operators. The private operators had no say in the vehicles that they took over. The Government had to ensure that those vehicles that they took over to start up their operations met roadworthiness specifications. Some weeks and months ago the Opposition was criticising the Government about unroadworthy vehicles which had rust and other problems associated with lack of maintenance.

Hon Ljiljanna Ravlich: That is what the Auditor General said.

Hon E.J. CHARLTON: It is correct that the Government went all out to ensure that all vehicles were brought up to scratch. The problems were not found after the buses had been taken over by the private operators; we knew about the problems beforehand. The Government had a responsibility to bring those vehicles up to satisfactory roadworthiness for the obvious reason of passenger safety. The Government brought all its vehicles up to standard - those operated by MetroBus and the private sector. I continually invite those opposition members who have a query about something or who are unhappy about something to get the facts. I will not put up with the rubbish contained in Ms MacTiernan's media statement.

Hon Tom Stephens: You do not make the facts available, Minister.

Hon E.J. CHARLTON: Mr Stephens made some outlandish statements today. I am used to that. I accept that.

Hon Tom Stephens: Which one was the outlandish one?



Hon E.J. CHARLTON: The member did that with the recent Stateships debate. Hon Tom Stephens went public and stated that he had forced the Government into maintaining a shipping service to the north. That was incorrect. It has been long known that a contract is in place to continue the shipping service to the north. However, Hon Tom Stephens got a headline and he felt good about that. That is fair in politics.

Hon Kim Chance: He also got the legislation amended.

Hon E.J. CHARLTON: I will not put up with the innocent public being totally misled by the outrageous, deceitful and incorrect statement put out tonight by Ms MacTiernan.

I draw the attention of the House to that media statement; it states -

. . . that \$4 million dollars had in fact been paid to the bus operators, \$2 million more than was authorised under the contract and two million more than was revealed to the Auditor General in his investigation of the bus contracts.

The possibility of a large hand-out to the contractors was brought to the Opposition's attention by employees of private bus operators . . .

The Government had a responsibility to ensure the buses were roadworthy. Some buses are up to 20 years old and some had not been maintained to the level that they should have been. The Government had a responsibility to fix them up fast otherwise they would be off the road. For the first time in history buses were inspected by an independent inspection service under the name of the licensing department. All buses were inspected, the private buses and MetroBus buses. When inadequacies were found in those vehicles we immediately rushed to fix them up. We brought in a number of people to do that, because MetroBus did not have enough people involved in structural maintenance to carry out that work. I invite the Opposition to question the Government; that is its right and responsibility on behalf of the public. However, I warn the Opposition that when it stoops to the sort of rubbish and goings on that are contained in Ms MacTiernan's media statement I will obtain a legal opinion about these outrageous statements.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [10.28 pm]: The Minister for Transport is sounding like some sort of Singaporean ministerial thug who would resort to the use of defamation law when the Opposition does its job and raises issues of concern in reference to that Minister's administration of the portfolio area for which he is responsible and accountable to the people of Western Australia through the people in this place. In his capacity as Minister for Transport he has been asked questions and invited both courteously and firmly to provide the information that the Opposition seeks on behalf of those taxpayers. We invited the Minister to meet with us. Immediately after question time I was ready and waiting.

Hon E.J. Charlton: You had questions today that you did not even ask. I had a host of other information that I advised the Leader of the Opposition during debate that he would get during question time. He did not have the brains to ask those questions.

Hon TOM STEPHENS: We have asked the Minister for Transport a number of questions on a number of occasions in reference to the contracts about which we are now in dispute. The Minister has yet to provide the information that would substantiate his view of those contracts. To cast aspersions on the shadow Minister for Transport in the way the Minister has and to combine that with the threat of defamation or legal action is a disgrace.

Hon E.J. Charlton interjected.

The PRESIDENT: Order! We are in the adjournment debate and not a committee debate. The Leader of the Opposition will address his comments to me and he may not attract as many interjections.

Hon TOM STEPHENS: This House well knows what a solid performer is the shadow Minister for Transport. She would make a much better Minister for Transport than the current incumbent. She has the capacity to take a broader view of these issues than has the current Minister for Transport. He comes bleating back to this House a little wounded by the criticisms which have been firmly dished out to him. He knows that he was given the invitation to provide the detail of the contracts to justify his defence in the face of the criticism delivered against him and his contracts by the State Supply Commission, the Auditor General and the shadow Minister for Transport. Has he provided that defence? No, he has not. He has not come up with the goods or the detail. He has been subjected in this House and in the wider community to the legitimate complaints of the shadow Minister for Transport in the face of his failure.

Hon E.J. Charlton: It is not a complaint.

Hon TOM STEPHENS: It is indeed.

Hon E.J. Charlton: She made a statement about what happened. If people want to go outside this place and make those sorts of misleading statements, they need to substantiate them. She will be given her chance.

Hon TOM STEPHENS: I will tell the Minister his duty; it is to the people of Western Australia through the House. It is time that the Minister for Transport started to answer the questions that have been put to him through the forums of this place. He should provide us with the information that could justify his defence against the substantial amount, body and weight of evidence that is now stacking up against those contracts. He is under the spotlight by virtue of the pressure that has been put on him not only by the shadow Minister for Transport but also by the Auditor General and the State Supply Commission. The Minister should have the commonsense to do as I said earlier and do what Dexter Davies said, which is get out of the House as fast as possible, at least to give him a go. If the Minister will not do that, he should at least come up with the information in his portfolio area to defend himself and his maladministration of this portfolio, if he feels that there is any defence. He should not go on the attack in his defence because it will not help him. He should come clean and come up with the goods.

Hon E.J. Charlton: Just kid me on a bit to go on the attack and you will see how good I am.

The PRESIDENT: Order! I want members to understand that when they decide to talk to each other rather than speak through the Chair, they end up with the House in disarray. One of the reasons we speak through the Chair is so that we do not bring personalities and other unrelated matters into a debate. If the Leader of the Opposition will observe standard debating processes, we will make some progress.

Hon TOM STEPHENS: Thank you, Mr President. I conclude by simply saying through the Chair to the Minister for Transport how important it is that he provide the evidence that he has been invited so many times to provide in this place by the shadow Minister for Transport. He must provide a defence for himself of the criticisms that have been made of these contracts by so many people. He has yet to do it. He has not accepted the invitation to meet with us behind the Chair and to provide information that could justify his administration of these contracts. If he cannot do that he should resign.

*Adjournment Debate - Waterfront Reform*

**HON KIM CHANCE** (Agricultural) [10.34 pm]: I will not delay the House for very long. I was disturbed to read on the front page of today's *The Australian* evidence that it has not taken all that long for the federal Workplace Relations Minister, now Waterfront Reform Minister, Peter Reith, to grab a cheap populist headline on the good old bash a wharfie program.

Hon N.F. Moore: A bit like Hon Tom Stephens' bashing the Minister.

Hon KIM CHANCE: I will not be drawn into that. I thought the House might appreciate my updating it on this issue. I brought the matter to the House's attention at an earlier time.

Several members interjected.

The PRESIDENT: Order!

Hon KIM CHANCE: Mr Reith has said he wants to explore the flexibility under the Government's industrial relations legislation to speed up waterfront reform. He has demanded that international container loading rates be lifted by more than 40 per cent. The article reads -

Container lift rates should reach an average of 25 lifts per hour up from the current 17.4, Mr Reith told a transport industry forum in Melbourne.

That would put Australia on a par with Singapore . . .

Members will remember that I have previously talked about the differences between Singapore's container rates and Australian container rates, mostly those in eastern States ports. I drew the analogy of a farmer with a 60 horsepower tractor being able to seed about 60 acres a day or 120 acres on a double shift, when a farmer with a 400 horsepower tractor could seed closer to 600 acres a day. It is all a matter of having the gear to do the job. That is exactly the comparison between Australian ports and Singaporean ports.

Hon E.J. Charlton: It is not, Mr Chance.

Hon KIM CHANCE: It is the most modern port in the world. It is a transport hub.

Hon E.J. Charlton: It is about putting in an effort, doing the hours and not having too many morning cups of tea.

The PRESIDENT: Order! The Minister for Transport will come to order. This is where the system breaks down again. We have the Minister for Transport calling Hon Kim Chance "Mr Chance". If members read some of the

books on parliamentary practice and procedure, they would find out why members are referred to by their title. In this House Hon Kim Chance sits in this House as a member of the House and not as a private person. That is why we refer to the Minister for Transport in that capacity. He sits in this House as the Minister for Transport. If the member made his comments through the Chair, he would not end up with all these interjections.

Hon KIM CHANCE: It is unfortunate that the Minister for Transport adopts the attitude of his interjection, because I believe he knows the real situation. More so than any one of us here, he is placed to be able to understand what is the breakdown rate in container cranes in Australia. He also knows the manner in which the figures have been recalculated for dealing with 20 foot containers vis-a-vis 40 foot containers. He knows of the change there. Any member of this House who was here when I was speaking on that matter would also know it. The fact is that there is no similarity between container handling systems in Singapore and those in any Australian port. I do not think one has to be all that bright to be able to work out the difference between the most modern port in the world and some of the Australian ports, which because they are small do not have the same capacity as Singapore or some of the world's larger ports have. This House knows that there is no similarity between them. I am sure the Minister for Transport also knows that. However, worse than that, I am sure that Peter Reith, the Workplace Relations Minister in the Commonwealth Government, knows it as well. That is doubly disappointing because he is also complaining a little further on in the article about there being high levels of disputation on the waterfront second only to those in the coal industry. The article reads -

Maritime Union of Australia assistant national secretary Vic Slater said disputation was unlikely to fall in a climate where unions and workers were under attack.

There is no purpose in what Mr Reith said than for him to grab a cheap headline. He knows the facts. Further on the article states -

Mr Reith seized on polling that showed more than 60 per cent of Australians, including close to half of surveyed union members, believed non-union labour should be allowed to work on the waterfront.

That is what drove this headline grab in today's *The Australian*. He saw those figures and thought it was time for him to go out and bash up a wharfie.

Hon N.F. Moore: No-one bashes wharfies.

Hon KIM CHANCE: The Leader of the House knows the facts because I have told him and if he wants to know more I am happy to provide him with those facts. The fact is that container rates in Australia are world standard, given the conditions under which wharfies work.

I had a particular and a local reason for raising this issue. The federal Minister for Workplace Relations said he intends to "explore the flexibilities" under the Government's new legislation to, in effect, de-unionise the waterfront in Western Australia. It is already beginning in Geraldton where there has been an unprecedented use of Howard's new contract system by Stirling Harbour Services, a division of Adsteam Marine, which will use contracts with 13 workers in Geraldton - I understand they are tug crews, although that is not mentioned in the article - to comply with what they call continuity of service agreements. While those agreements will be based on union negotiated agreements, we also have a situation where the Broome Port Authority has offered individual contracts to 11 of its waterside workers in response to the Western Australian Government's new licensing arrangements which require companies to provide continuity of service. The problem that has been identified by the Maritime Union of Australia is that the Broome offer appears to illegally contradict existing collective agreements which run into next year. I hope the Minister will be in a position to comment on that situation some time this week. This article really sums up the Federal Government's attitude, if not the State Government's attitude, to its relationship with unions and workers generally. It comes down to grabbing a cheap headline when the person who is doing that should know better. With respect to the way people view maritime unions and waterfront workers, when a person thinks he has been offered a straw he grabs it and exploits it to its fullest potential. It is neither fair nor honest. This House should insist on the facts.

Hon N.F. Moore: It sounds like the speech the Minister made about a cheap headline grab.

Hon KIM CHANCE: I am not in a position to comment on that issue because I am not aware of the facts. If that is an issue, then this is certainly an issue. I do know some of the facts in relation to this issue and it is not good administration.

Question put and passed.

*House adjourned at 10.43 pm*

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**QUESTIONS ON NOTICE**

Answers to questions are as supplied by the relevant Minister's office.

**ROADS - BALLADONIA/PAMENGO ROAD**

*Funding*

198. Hon MARK NEVILL to the Minister for Transport:

What funds are proposed to be expended on Balladonia/Parmengo Road, East of Esperance in the -

- (a) 1996/97 financial year; and
- (b) 1997/98 financial year?

Hon E.J. CHARLTON replied:

- (a) \$58 000.
- (b) \$70 000.

These are funds made available to local government by Main Roads and are allocated by the Regional Road Group. The allocations are subject to a 2:1 contribution by the local government.

**ROADS - KARRATHA-TOM PRICE**

*Upgrading*

201. Hon MARK NEVILL to the Minister for Transport:

- (1) What funds have been allocated to upgrade the Karratha-Tom Price Road in the -
  - (a) 1996/97 financial year;
  - (b) 1997/98 financial year; and
  - (c) 1998/99 financial year?
- (2) When will the election commitment to seal this road be honoured?

Hon E.J. CHARLTON replied:

- (1) (a)-(b) To date \$125 000 has been committed for assessing the route and to undertake a planning study.
  - (c) The 1998/99 road program has not been decided.
- (2) This road like the Karijini road is a significant regional link. As a result of continual calls from the community to improve our roads and public transport, a proposal to undertake transport infrastructure projects costing some \$830 million has been under consideration. The recent High Court decision in respect of the State gaining revenue from alcohol, tobacco and petroleum products has taken away one option to allow these projects to proceed. Further options are being pursued and if I am successful the Karratha to Tom Price Road will be constructed well in advance of what is possible under the current available funding. The member's support for future additional road funding initiatives will be welcomed.

**POLICE - RADAR EQUIPMENT**

*Type and Model*

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

Further to question 1901 of which notice was given on April 5, 1994 -

- (1) What radar equipment in respect of type and model, was in use by the Police Force as at March 31, 1997?
- (2) What does the manufacturer claim is the error and confidence limits of each type and model of equipment?
- (3) What type and model of radar had the largest error recorded during recalibration since January 1, 1996?
- (4) What is meant by "during recalibration and testing none was found to have any error in target speed detection"?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

- (1) Kustom Signals KR10SP, Mobile/Stationary (Direct Radar)  
Kustom Signals Falcon, Stationary Handheld (Direct Radar)  
Muniquip MDR2 Mobile/Stationary (Direct Radar)  
Muniquip KGP Stationary Handheld (Direct Radar)  
Multanova 6F Speed Camera (Slant Radar)  
AWA Fairey (Slant Radar)
- (2) Speed accuracy range claimed by manufacturer: In all instances the manufacturer's tolerance is plus or minus 1km/hr
- (3) None. All models tested have been within parameters set by the manufacturer and Australian Standards.
- (4) During the annual recalibration tested radars met the parameters set by Australian Standards (AS2878-1-1992) and the manufacturer's specifications.

#### POLICE - BRENNAN CASE

##### *Mr Hunter - Warrants*

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

In respect of the Brennan stolen car/drugs case and further to question on notice 214 of 1997 -

In respect of each of the provisional warrants issued in relation to Mr Neil Hunter -

- (a) who issued the warrants;
- (b) on what dates were they issued;
- (c) to whom were they issued;
- (d) what action was taken to execute the warrants;
- (e) in whose possession were each of the warrants between the time of issue and the arrest of Mr Hunter;
- (f) for what reason were the warrants issued; and
- (g) in whose possession are the warrants currently?

Hon PETER FOSS replied:

There was only one Provisional Warrant executed in Western Australia upon Neil Geoffrey Hunter.

- (a) The warrant was issued by Mr M Tulley JP upon the information of Detective A B Spicer, then of the Western Australia Police Service Fraud Squad.
- (b) 23 November 1989.
- (c) The warrant was not issued to a particular person.
- (d) Detectives attached to the Racing Squad located Neil Hunter and he was arrested at Perth on 24 January 1990.
- (e) Between the date of issue and 29 November 1989, the warrant was in possession of Detective Spicer. It was then housed at the Central Warrant Bureau until 23 January 1990, when it was collected by Det Sgt Nugent prior to its execution the following day.
- (f) The stated reason for the issue of the warrant was 'on or about the first of September 1988 at Brisbane, Neil Geoffrey Hunter by falsely pretending to one Mark Anthony Turner, obtained a sum of money namely \$5,980 with intent thereby to defraud'.
- (g) The original of the warrant was shredded by the Crown Solicitors Officer, however, copy has been retained on microfilm.

#### TRANSPORT - BUS

##### *Schools - Wilgie View*

550. Hon BOB THOMAS to the Minister for Transport:

- (1) What is the State Government's policy for the provision of a school bus service for the Wilgie View School near Albany?

- (2) What is the Government's policy for the provision of school bus services for other private schools in the Albany town site?
- (3) What is the Government's policy for the provision of school bus services for other private schools in rural locations near Albany?
- (4) Why is the Wilgie View school treated differently?

Hon E.J. CHARLTON replied:

- (1) Earlier this year, advice was sought from the Department of Transport about the provision of transport assistance for students attending the Wilgie View School. The Principal was advised that students would be transported on existing services catering for the nearby Woodbury Boston School.
- (2) Students living in built up residential areas of Albany are transported to school on a public bus system and pay a concession fare. There are no conditions of access and the services are designed to cater for demand. I would like to bring to the attention of the member that these issues are constantly under review as are all school buses around the state.
- (3) Generally, students in rural areas are entitled to transport assistance to the nearest appropriate school. Detailed information in relation to the entitlements and conditions of access are available from the Department of Transport. The policy for the transport of students is currently being reviewed with a report due to the Minister for Transport by 31 December 1997. One specific issue to be addressed is the definition of catchment areas for private schools.
- (4) Transport has assessed the extent to which students attending Wilgie View School require additional transport assistance. As a result:
  - \* the Denmark bus has been upgraded to provide for additional student numbers;
  - \* the Denmark service now calls at Wilgie View in the afternoon after departing Woodbury Boston School;
  - \* the Albany bus has been rescheduled to provide for an earlier transfer time in the morning, and a later pick-up of an afternoon direct from the school (these latter two points effectively extend the students' tuition time).

Transport will continue to keep these services under review and take action where it is possible to introduce service initiatives. In the end result, the extent of transport assistance will be subject to the Review of Transport Assistance for Students. Wilgie View School has been invited to make a formal submission to the Review Committee.

#### CORRUPTION - ANTI-CORRUPTION COMMISSION

##### *Staff*

557. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) How many staff does the Anti-Corruption Commission have pursuant to section 6 of the Anti-Corruption Commission Act 1988?
- (2) Of those staff how many were formerly police officers?
- (3) What numbers of full time staff and what numbers of part-time staff has the commission arranged to make use of pursuant to section 7 of the Act and in each case from what agencies?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) 26.
- (2) 8 officers have worked as police officers at some time during their career.
- (3) Full-time - 3:  
1 from Ministry of the Premier and Cabinet;  
1 from the Legislative Assembly;  
1 from the Department of Contracts and Management Services.

Part-time - 8:

6 Computer support personnel from the Ministry of the Premier and Cabinet;

1 Counsel assisting the Special Investigator from the Ministry of Justice.

1 Legal officer to assist Counsel assisting the Special Investigator from Ministry of Justice.

CORRUPTION - ANTI-CORRUPTION COMMISSION

*Act - Section 10*

559. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Has the Anti-Corruption Commission entered into any engagement pursuant to section 10 of the Anti-Corruption Commission Act 1988?
- (2) If so, in each case -
  - (a) with whom;
  - (b) on what date; and
  - (c) for what purpose?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) Yes.
- (2)
  - (a) Mr Henry Kaye (and Mr Rodney Dines: relieving)  
Mr Malcolm McCusker, QC  
Mr Stuart Macdonald  
Mr Ross Storey  
Mr Jeremy Allanson;
  - (b) Mr Henry Kaye - various  
Mr Malcolm McCusker, QC - 13/9/96  
Mr Stuart Macdonald - various  
Mr Ross Storey - 3/6/97  
Mr Jeremy Allanson - various;
  - (c) Mr Henry Kaye, Computing Services  
Mr Malcolm McCusker, QC., Legal Advice  
Mr Stuart Macdonald, Legal Advice  
Mr Ross Storey, Media and Public Relations Services  
Mr Jeremy Allanson, Legal Advice.

In addition, general services such as furniture manufacture, furniture storage and removal, printing and signage have been utilised. The Commission also utilises and pays for two private computing contractors engaged by the Ministry of the Premier and Cabinet on the ACC's behalf.

CORRUPTION - ANTI-CORRUPTION COMMISSION

*Act - Section 8*

561. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Has any special investigator been appointed pursuant to section 8 of the Anti-Corruption Commission Act 1988?
- (2) If so, on what date(s)?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) Yes.
- (2) 16/6/97.

FORESTS AND FORESTRY - BUNNINGS FOREST PRODUCTS PTY LTD

*Discounted Royalties*

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

- (1) Has Bunnings Forest Products Pty Ltd or any of its associated companies ever paid less for logs than the royalty published by the Department of Conservation and Land Management?

- (2) If yes, in how many contracts has it paid a discounted royalty?
- (3) For each such contract -
- (a) what was the date it was entered into and for what length of time;
  - (b) what was the volume, species and grade of logs involved;
  - (c) for each species and grade of log, what was the published royalty and what was the discounted royalty; and
  - (d) what, if anything, did the log buyer agree to in order to receive the discount?

Hon MAX EVANS replied:

- (1) Prior to 1 January 1990, different sawmill licences and subsequent sale contracts required a wide range of royalties to be paid for each particular species and grade of log. A general review of royalties in 1986/87 established a uniform set of target royalties for each particular species and grade of log to be phased-in over the period, generally prior to 1 January 1990. During the phase-in period, royalty values paid by companies varied for each licence or contract being affected by the magnitude of change required by each licence or sale contract to achieve a uniform target royalty value. The phasing in period for Bunnings extended to 30 September 1991.
- (2) Contracts 880, 882, 884, 885 and 890 were affected by the phasing in period being extended to 30 September 1991.
- (3) Contract 880.
- (a) 1 November 1988 for 5 years.
  - (b) 63,142.51 cub metres of Jarrah first grade sawlogs for the period 1 January 1990 to 30 September 1991.
  - (c)

Published royalty	\$28.48 per cubic metre Jarrah first grade sawlogs.
Bunnings royalty	\$26.30 per cubic metre Jarrah first grade sawlogs.
  - (d) See answer to (1).
- Contract 882
- (a) 1 November 1988 for a 15 year period but cancelled and superseded by Contract of Sale 2304 effective 1 January 1994.
  - (b) 29,817.40 cubic metres of Jarrah first grade sawlogs (small diameter sawlogs) for the period 1 January 1991 to 30 September 1991. There was no published royalty for small diameter jarrah first grade sawlogs before 1 January 1991.
  - (c)

Published royalty	\$26.49 per cubic metre Jarrah first grade sawlogs (small diameter sawlogs)
Bunnings royalty	\$24.11 per cubic metre Jarrah first grade sawlogs (small diameter sawlogs)
  - (d) See answer to (1). In addition, the buyer agreed to purchase jarrah logs to a lower specification of a minimum small end diameter of 200 millimetres instead of the standard specification small end diameter of 250mm.
- Contract 884
- (a) 1 November 1988 for a 15 year period but cancelled and superseded by Contract of Sale 2305 effective 1 January 1994.
  - (b) 50,072.52 cubic metres, Jarrah first grade sawlogs 1 January 1990 to 30 September 1990.  
50,563.52 cubic metres, Jarrah first grade sawlogs 1 October 1990 to 30 September 1991
  - (c)

Published royalty	\$28.48 per cubic metre Jarrah first grade sawlogs 1 January 1990 to 30 September 1991
Bunnings royalty	\$22.20 per cubic metre grade sawlogs 1 January 1990 to 30 September 1990
Bunnings royalty	\$26.30 per cubic metre Jarrah first grade sawlogs 1 October 1990 to 30 September 1991
  - (d) See answer to (1).



## Contract 885

- (a) 1 January 1989 for a 15 year period but cancelled and superseded by Contract of Sale 2305 effective 1 January 1994.
- (b) 59,725.11 cubic metres Jarrah first grade sawlogs for the period 1 January 1991 to 30 September 1991. There was no published royalty for small diameter jarrah first grade sawlogs before 1 January 1991.
- (c) Published royalty \$26.49 per cubic metre Jarrah first grade sawlogs (small end diameter sawlogs)  
Bunnings royalty \$25.27 per cubic metre Jarrah first grade sawlogs (small end diameter sawlogs)
- (d) See answer to (1). In addition, the buyer agreed to purchase jarrah logs to a lower specification of a minimum small end diameter of 200 millimetres instead of the standard specification small end diameter of 250 mm.

## Contract 890

- (a) 1 January 1989 for a 15 year period but cancelled and superseded by Contract of Sale 2305 effective 1 January 1994.
- (b) 74,919.64 cubic metres Karri first grade sawlogs for the period 1 January 1990 to 30 September 1990.  
54,244.44 cubic metres Karri first grade sawlogs for the period 1 October 1990 to 30 September 1991.
- (c) Published royalty \$34.00 per cubic metre Karri first grade sawlogs  
Bunnings royalty \$25.32 per cubic metre Karri first grade sawlogs 1 January 1990 to 30 September 1990  
Bunnings royalty \$28.62 per cubic metre Karri first grade sawlogs 1 October 1990 to 30 September 1991
- (d) See answer to (1).

## CORRUPTION - ANTI-CORRUPTION COMMISSION

*Police - Allegations*

619. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Since July 1, 1996 how many allegations has the Anti-Corruption Commission, under its current name, or under its former title, the Official Corruption Commission, received with respect to officers of the police force?
- (2) Of those, how many were referred to the police force for further action?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) Between 1 July 1996 and 30 June 1997 the Anti-Corruption Commission received the following allegations with respect to officers of the WA Police Service:  
Allegations under Section 16 of the Anti-Corruption Commission Act 1988 - 35.  
Reports of suspicions under Section 14 of the Anti-Corruption Commission Act 1988 which indicate allegations and investigative action in progress by the Police - 51.
- (2) Only one of these matters was formally referred by the Anti-Corruption Commission to the Police for further action.

## CORRUPTION - ANTI-CORRUPTION COMMISSION

*Police - Allegations*

622. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Since July 1, 1996 how many allegations has the Anti-Corruption Commission, under its current name, or

under its former title, the Official Corruption Commission, initiated with respect to officers of the Police Force?

- (2) Of those, how many were referred to the Police Force for further action?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) Two.
- (2) These matters were already under investigation by the Police, but had not been formally reported to the Anti-Corruption Commission. Formal reports have now been received.

#### TOURISM - ELLE RACING

##### *Contract*

648. Hon TOM STEPHENS to the Minister for Tourism:

In relation to the contract between the Western Australian Tourism Commission and Elle Racing Pty Ltd -

- (a) when was it signed by J Harvey and R Dixon;  
 (b) when was it signed by K Carton and S Crockett;  
 (c) when was it dated?  
 (d) when was it officially approved by the WATC;  
 (e) when was the contract announced to the media;  
 (f) will the Minister table the pages of the contract which show -
- (i) the signatories to the agreement; and  
 (ii) the dates of signing?

Hon N.F. MOORE replied:

- (a) The Agreement was signed by J Harvey and R Dixon on 5 November 1996.
- (b) On 12 November 1996 the WATC Board passed the following resolution -
- "That authority be given for the Agreement between the WATC and Elle Racing Pty Ltd to be signed by the Chairman and Chief Executive Officer, and for the Common Seal of the WATC to be affixed to the Agreement, the terms of which are summarised in the Agreement Summary dated 12 November 1996."
- As a result of this decision, on 13 November 1996 the Agreement was embossed with the WATC Common Seal and then signed by the Chairman and Chief Executive Officer.
- (c) The Agreement came into legal operation upon its execution by the WATC on 13 November 1996.
- (d) 12 November 1996.
- (e) The contract was not announced to the media. (However the fact that Elle Macpherson would be involved in promoting Western Australia was announced by Elle Macpherson at the launch of the WATC's "Brand WA Strategy" on 6 November 1996.)
- (f) (i) The page of the Agreement showing the signatories to the contract, is attached [See paper No 866].
- (ii) No page of the Agreement shows date of signing by the WATC. However, I have attached a copy of the WATC's Common Seal Register confirming the date of signing of the Agreement by the WATC signatories [See paper No 866].

#### ENVIRONMENT - AMMONIUM NITRATE STORAGE SHED

##### *Turkey Creek*

664. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware that an ammonium nitrate storage shed has been established at Wyndham Port, close to a private residence?
- (2) How much ammonium nitrate is the shed licensed to store?

- (3) Who approved the siting of this shed?
- (4) Has it been licensed by the Department of Minerals and Energy?
- (5) When was the licence issued?
- (6) Who is the owner of the ammonium nitrate store?
- (7) For what purpose is the ammonium nitrate used?
- (8) Is the Minister aware that ammonium nitrate is a high explosive and that several workers were killed recently when an ammonium nitrate store exploded at the Porgera Mine Site in Papua New Guinea?
- (9) Is the Minister aware that all nitrates are toxic in water and are subject to strict regulation?
- (10) In view of these concerns, is the Government considering a more suitable location for the store?

Hon MAX EVANS replied:

- (1) Yes, the ammonium nitrate storage shed at Port Wyndham is located at 350-400m to the nearest residence.
- (2) The application is to store a maximum of 5,000 tonnes of ammonium nitrate at any one time.
- (3) The Shire of Wyndham-East Kimberley.
- (4) Yes.
- (5) 2 September 1997.
- (6) Coleman Bros Pty Ltd.
- (7) I understand that the ammonium nitrate from the storage shed is to be transported to Argyle for use as a feedstock in the manufacture of explosives by ICI Explosives.
- (8) Yes, to the extent that the explosion at Porgera Minesite was caused by an ammonium nitrate emulsion which contains ammonium nitrate and fuel. This emulsion has much more explosive potential than the almost pure ammonium nitrate at Wyndham. The ammonium nitrate at Wyndham is classified as an "oxidizing agent" and not an "explosive" under the Dangerous Goods Regulations.
- (9) Ammonium nitrate is a biostimulant (a nutrient) and when released to the environment in excessive quantities, can cause adverse impacts such as excessive algal growth (eutrophication) or burning of vegetation. However, it does not bioaccumulate in the classic sense and therefore is not persistent in the environment.
- (10) No, not in view of the low risk to community (including the nearest residence) and the environment.

#### FUEL AND ENERGY - ELECTRICITY

##### *Muja-Kemerton Line - Live Cable Fall*

672. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) What caused the live cable to fall from a tower on the Muja to Kemerton power line in July 1997?
- (2) What is the voltage of that line?
- (3) Did Western Power supervise or inspect the work carried out by private contractors who constructed this tower and connected the cables?
- (4) If yes, what was the nature of Western Power's supervision or inspection?
- (5) How many other towers on the Muja-Kemerton line have the same sorts of cable joins which may malfunction in the same way as that described in (1) above?

Hon N.F. MOORE replied:

- (1) Event was caused by failure of a standard component called a "compression dead-end". No similar failure on its transmission network can be recalled by Western Power.
- (2) 330kV.

- (3) The work and its supervision is the responsibility of the Contractor. Western Power checked to ensure that the construction work was done in accordance with the contract Specification. Repairs were undertaken by the Contractor at its expense.
- (4) Not applicable.
- (5) The failure occurred at a tension tower on the new portion of the Muja-Northern Terminal line. 21 similar situations exist and all have subsequently been checked. Revised procedures including use of thermographic surveys will be implemented in future to guard against a recurrence.

## EDUCATION - ABORIGINES

### *Strategy Document*

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

In reference to the strategy document "Western Australian Strategic Plan for Aboriginal Education and Training for the Triennium 1997 to 1999" published in March 1997, will the Minister for Education advise the total cost for -

- (a) research;
- (b) production; and
- (c) distribution of the strategy document?

Hon N.F. MOORE replied:

- (a) \$72,543.73
- (b) \$16,855.00
- (c) \$995.00

The above costs were met by Commonwealth funding (Indigenous Education Strategic Initiatives Program - IESIP).

## SCHOOLS - COVERED ASSEMBLY AREAS PROGRAM

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

With reference to the Government's building program for 1997/98 -

- (1) Is the Government proposing to build further covered assembly areas for schools in the 1997/98 financial year?
- (2) If so, where can provision for this be found in the Budget papers?
- (3) How much has been allocated for the 1997/98 financial year for the covered assembly area program?
- (4) Has a decision been made as to which schools will benefit from this program in 1997/98?
- (5) If yes, will the Minister for Education provide a list of these schools?
- (6) If not, when will this decision be made?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Under "Education",  
Program heading: "Capital Works Program - Works in Progress",  
Project line item: "Other School Facilities - Covered Assembly areas".
- (3) Allocation for covered assembly area program for 1997/98 - \$4,518,000.
- (4) Yes.
- (5) The following schools will receive covered assembly areas in 1997/98:

Bicton Primary School  
Bindoon Primary School  
Carnamah District High School  
Claremont Primary School  
East Manjimup Primary School  
Highgate Primary School  
Hillcrest Primary School  
Jerramungup District High School

Kalbarri Primary School  
 Lathlain Primary School  
 Midland Primary School  
 North Beach Primary School  
 Roebourne Primary School  
 Subiaco Primary School  
 Tuart Hill Primary School  
 West Leederville Primary School  
 Williams Primary School  
 Wundowie Primary School

(6) Not applicable.

#### GOVERNMENT INSTRUMENTALITIES - MEDIA MONITORING

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

With regard to media monitoring in regional Western Australia -

- (1) Apart from the contracted media units, are any Government agencies involved in media monitoring?
- (2) If yes, which agencies?
- (3) Do any of these agencies send summaries of their monitoring to the Government Media Office?
- (4) If yes, which ones?

Hon N.F. MOORE replied:

- (1) The Government does not have specifically contracted regional media units as such. Rather it is able to access regional service providers through a Department of Contract and Management Services period panel contract which provides for services on a State wide basis.

I am not aware of any other arrangements which may exist.

(2)-(4) Not applicable.

#### GOVERNMENT CONTRACTS - REGIONAL MEDIA UNITS

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

In relation to the Government's contracted regional media units -

- (1) When were the contracts for these units last put to tender?
- (2) How many applicants were there for each of these contracts?
- (3) What was the value of each of these contracts?
- (4) Who was involved in the decision when awarding the contracts?

Hon N.F. MOORE replied:

The Government does not have specifically contracted regional media units as such. Rather it is able to access regional service providers through a Department of Contract and Management Services period panel contract which provides for services on a State wide basis. The contract (Contract 231B1996) is accessible by all State Government Departments and Agencies.

I understand that:

- (1) The Request for Tender was issued on 19 July 1996. The contract is for two years from 6 September 1996 to 5 September 1998.
- (2) There were 28 tenders received and there are 25 contractors on the panel.
- (3) The estimated value of the panel contract is \$600,000 over the two years.
- (4) The decision on the award of the contract was made by the State Tenders Committee based on the recommendations of an evaluation panel. The evaluation panel comprised representatives from the Department of Contract and Management Services, Department of Transport, Department of Family and Children's Services and the Ministry of the Premier and Cabinet.

Should further details be required questions should be referred to the Minister for Services.

WESTERN POWER - STAFF

*Number*

700. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) How many people did Western Power employ at Albany on July 1 in -
  - (a) 1997;
  - (b) 1996;
  - (c) 1995;
  - (d) 1994;
  - (e) 1993;
  - (f) 1992;
  - (g) 1991; and
  - (h) 1990?
- (2) How is Western Power organised in Albany and how many people were employed in each section on July 1 in -
  - (a) 1997;
  - (b) 1996;
  - (c) 1995;
  - (d) 1994;
  - (e) 1993;
  - (f) 1992;
  - (g) 1991; and
  - (h) 1990?
- (3) How many apprentices were employed in Albany in each of the years 1990 to 1997?
- (4) What plans does Western Power have to reduce the number of people employed in Albany over the next four years?

Hon N.F. MOORE replied:

Western Power has provided the following information:

- (1)-(2) Western Power came into existence on 1 January 1995 and consequently did not employ anyone before this date.

Western Power has provided a briefing to the Honourable member on the current status of Western Power's operations in Albany.

The present staff number is 61, the numbers in 1995 and 1996 were 66 and 64 respectively.

- (3) The apprentice numbers in 1997, 1996 and 1995 were 1, 2 and 3 respectively.
- (4) Western Power must be at liberty to manage its staff and resources in a manner that the Corporation believes best meets its business requirements.

Albany is being treated no differently to any other location in which Western Power has a presence. There are no plans to close the Albany depot.

Staff numbers will need to be reviewed as costs have to be further reduced to ensure that Western Power remains competitive as deregulation proceeds and competition increases.

ALINTAGAS - ALBANY

*Gas Tariff - Domestic Customers*

703. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) How much does AlintaGas charge domestic customers for gas in Albany?
- (2) How much does AlintaGas charge domestic customers for gas in the metropolitan area?
- (3) What is the reason for the difference in price charged in Albany?
- (4) What is the energy equivalent of gas supplied in Albany compared with that supplied in Perth?
- (5) Does the Minister for Energy stand by his remarks made to Mr Ian Bishop (your reference 022088, March

24, 1995) in which he claimed that extra costs such as those associated with purchasing, transporting, processing and distributing the gas within Albany were reflected in the tariff?

Hon N.F. MOORE replied:

- (1) AlintaGas' domestic gas charges in Albany are based on average daily gas used. They are:
  - A supply charge of 7.92 cents per day
  - 5.77 cents per unit for the first 100 units per day
  - 5.22 cents per unit for consumption above 100 units per day
- (2) AlintaGas' domestic gas charges in Perth are based on average daily gas used. They are:
  - A supply charge of 8.31 cents per day
  - 5.88 cents per unit for the first 12 units per day
  - 3.81 cents per unit for the next 24 units per day
  - 2.80 cents per unit for consumption above 36 units per day
- (3) The Perth metropolitan area is supplied with natural gas, whereas Albany is supplied with tempered liquefied petroleum (TLP) which is a mixture of liquefied petroleum gas (LPG) and air.  
 Albany is not connected to the Dampier to Bunbury natural gas pipeline (DBNGP) so cannot possibly be supplied with natural gas.  
 The Albany prices are higher than the Perth prices due to the higher costs involved with purchasing LPG, transporting the LPG to Albany, processing the LPG into TLP and reticulating the TLP through the local network.
- (4) One unit of TLP is equal to one unit of natural gas.
- (5) Yes.

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

##### *Egg Tow*

720. Hon BOB THOMAS to the Minister for Transport representing the Minister for Fisheries:

- (1) On what date did the Fisheries Department officers conduct an "egg tow" in the Bremer Bay area in relation to the South Coast Purse Seine Managed Fishery?
- (2) On what date did the pilchards spawn in the Bremer Bay area?
- (3) What were the results of the "egg tow"?

Hon E.J. CHARLTON replied:

- (1) The most recent egg survey was carried out in the Bremer Bay Zone 3 in July 1997.
- (2) Pilchards in the Bremer Bay Zone typically spawn in June/July of each year.
- (3) At this time the results of the "egg tow" are incomplete.

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

##### *Egg Tow*

721. Hon BOB THOMAS to the Minister for Transport representing the Minister for Fisheries:

- (1) On what date did the Fisheries Department officers conduct an "egg tow" in the Albany area in relation to the South Coast Purse Seine Managed Fishery?
- (2) On what date did the pilchards spawn in the Albany area?
- (3) What were the results of the "egg tow"?

Hon E.J. CHARLTON replied:

- (1) The most recent egg survey was carried out in the Albany region in July 1997.
- (2) Pilchards in the Albany region typically spawn in July with a second spawning evident in January.
- (3) Results of this survey are expected to be available in the near future.

## FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY

*Account Balance*

722. Hon BOB THOMAS to the Minister for Transport representing the Minister for Fisheries:

- (1) What is the balance of the Fisheries Adjustment Scheme account?
- (2) Will this fund be used for the buy back of South Coast Purse Seine Managed Fishery units?
- (3) If not, what are the reasons?
- (4) What are the criteria under which the Fisheries Adjustment Scheme can be used to buy back units or licence holdings?
- (5) What units or licence holdings can be bought back with funds from the Fisheries Adjustment Scheme?

Hon E.J. CHARLTON replied:

- (1) As of 31 August 1997, the balance of the Western Australian Fisheries Adjustment Scheme (general) account is \$27,000.
- (2)-(5) Through agreement with industry when the Scheme was established, Fisheries Adjustment Scheme (general) funds can not be used to purchase Managed Fishery units or licences.

Under section 10B of the *Fisheries Adjustment Scheme Act 1987*, I may, by notice published in the *Gazette*, establish a scheme to reduce the size of any fishery or fisheries, by enabling the surrender of authorisations, or parts of entitlements, relating to the fishery or fisheries.

Under this Act, I have established the South Coast Purse Seine Managed Fishery Voluntary Fisheries Adjustment Scheme Committee to consider and provide advice regarding the desirability of establishing an industry funded voluntary buy out scheme for the South Coast Purse Seine Managed Fishery.

## FISHERIES - PILCHARD FISHERY, SOUTH COAST

*Stocks*

723. Hon BOB THOMAS to the Minister for Transport representing the Minister for Fisheries:

- (1) What was the Fisheries Department predictions for the level of pilchard stocks in the Albany area in 1996 and 1997 based on results from the "egg tows carried out in 1992?
- (2) How many tonnes of pilchards were caught in the Albany zones of the South Coast Purse Seine in -
  - (a) 1996; and
  - (b) 1997?
- (3) What was the total allowable catch in the Albany zones in -
  - (a) 1996; and
  - (b) 1997?

Hon E.J. CHARLTON replied:

- (1) Stock biomass levels were estimated by the Fisheries Department Research Division for Albany Zones 1 and 2 at:
 

1996 - 15,300 tonnes  
1997 - 7,400 tonnes

The above estimations were based on a July 1995 pilchard biomass survey, pilchard stock recruitment levels and computer modelling techniques.

- (2) (a) The 1996 catch (season ending 31 March 1997) of pilchards in Albany Zones 1 and 2 was 4,302 tonnes.
- (b) The total 1997 season catch of pilchards in Albany Zones 1 and 2 is not yet known as the season does not conclude till March 31, 1998.
- (3) (a) The total allowable catch for Albany Zones 1 and 2 in 1996 (season ending 31 March 1997) was 4,408 tonnes.



- (b) The total allowable catch for Albany Zones 1 and 2 in 1997 (season ending 31 March 1998) is 3,030 tonnes.

#### SCHOOLS - PRIMARY

##### *Bencubbin - Reduction of Staff*

724. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is it the case that as part of the Education Department's Rural Integration Program ("RIP") staff levels at Bencubbin Primary School will be cut in 1998?
- (2) If yes, what is the anticipated reduction in staffing levels in terms of full-time equivalents ("FTEs") at this school?
- (3) If yes, does the anticipated reduction in FTEs mean that only two classes (years K-2 and years 3-7) can be formed at Bencubbin Primary School in 1998?
- (4) Does Bencubbin Primary School (and by extension the parents and children of this school) have any choice in accepting this reduction in the level of service provision, given that the extant transport arrangements for the children presently involve two (2) bus routes which have runs of more than fifty (50) minutes duration?

Hon N.F. MOORE replied:

- (1) No. Based on current enrolments, the school's FTE will increase under the new formula.
- (2)-(4) Not applicable.

#### EDUCATION - DEPARTMENT

##### *Breaches of Human Resource Management Standards*

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

- (1) How many complaints of breaches of public sector human resource management standards are currently alleged against the Education Department?
- (2) Which standards is it alleged the department has breached?
- (3) What is the current status of each of those complaints?

Hon N.F. MOORE replied:

- (1) There are currently three outstanding complaints.
- (2) Two cases allege breaches in respect of the Transfer Standard, with the other relating to the Recruitment, Selection and Appointment Standard.
- (3) Each allegation is currently with an independent reviewer.

#### INDUSTRIAL RELATIONS - WORK FOR THE DOLE PROGRAM

##### *Number of Participants*

756. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) How many Western Australians will be involved in the "Work for the Dole" program?
- (2) Under the "Work for the Dole" program who is technically the employer:
  - (a) the person providing employment;
  - (b) the Commonwealth Government;
  - (c) another body; or
  - (d) other (please specify)?

Hon N.F. MOORE replied:

- (1) The Commonwealth proposes there will be 10 000 places nationally in the initial pilot phase. It is anticipated that approximately 1 000 places will be available for Western Australia.
- (2) (d) Under the work for the dole program there is no employer. Participants are technically still

registered with Social Security as seeking employment. The work for the dole initiative does not involve an employment placement, simply participation in employment activities. Department of Employment, Education, Training and Youth Affairs has made special insurance arrangements to cover items such as Workers' Compensation.

#### MINISTERS OF THE CROWN - MINISTER FOR RESOURCES DEVELOPMENT

##### *Albany Foreshore Redevelopment - Meetings*

758. Hon BOB THOMAS to the Leader of the House representing the Minister for Resources Development:
- (1) What meetings has the Minister for Resources Development had in the past twelve months, either in his Ministerial office or elsewhere, regarding stage two of the Albany Foreshore Redevelopment?
  - (2) Which of those meetings were called by the Minister?
  - (3) What action did the Minister take to influence other Ministerial colleagues to either place a moratorium on stage two of the Albany Foreshore Redevelopment or have it discontinued altogether?
  - (4) What other action did the Minister take to stop stage two of the Albany Foreshore Redevelopment either permanently or temporarily?
  - (5) Has the Minister taken a submission to Cabinet which may halt stage two of the redevelopment either temporarily or permanently?
  - (6) Has the Minister lobbied any rural groups in the past twelve months calling for them to lobby against stage two of the Albany Foreshore Redevelopment?
  - (7) If so, which groups were they?
  - (8) Is stage two of the Albany Foreshore Redevelopment supported by the Government?
  - (9) What action does the Minister intend to take to ensure that this development is expedited?

Hon N.F. MOORE replied:

- (1) None; the Minister for Lands is responsible for the project.
- (2) Not applicable - See (1).
- (3) The Minister, in reply to a letter from the Minister for Lands which referred to correspondence from the Albany Port User Liaison Group, expressed the view that the Group's concerns should be considered.
- (4) None.
- (5)-(6) No.
- (7) Not applicable - See (6).
- (8) Yes.
- (9) See (1).

#### WESTERN POWER - GENERATION COSTS

##### *Regional Centres*

761. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:
- (1) In which population centres does electricity cost Western Power 75c/kwh to generate?
  - (2) What is the reason that the costs are so high in these centres?
  - (3) Will the Minister for Energy assure the Parliament that neither he, nor his Government, will move to full cost recovery for electricity generated in these regional population centres?

Hon N.F. MOORE replied:

- (1) There are 4 regional centres where the cost of supplying electricity exceeds 75 cents per unit (c/u). These are Wittenoom, Sandstone, Gascoyne Junction and Broome 12 Mile.

- (2) The principal cost is fuel which ranges from 20c/u to 40c/u. Other significant costs include local contract operator costs and capital costs which, with fuel, contribute 70-85% of the total cost.
- (3) The Government is committed to maintaining the uniform tariff for all Western Power's residential and small business customers.

#### GOVERNMENT ADVERTISING - COMMUNITY NEWSPAPERS

##### *November 1996 - Date of Booking Wrap Arounds*

771. Hon KEN TRAVERS to the Minister for Finance representing the Minister for the Environment:
- (1) In reference to the advertising wrap around on community newspapers in November 1996, on what date were these advertisements booked with community newspapers and by whom?
  - (2) For what date were these advertisements booked to be run in community newspapers?
  - (3) On what date were these advertisements run?

Hon MAX EVANS replied:

- (1) 1 November 1996. The Administrative Assistant for CALM's Corporate Relations Division.
- (2) The wrap around was booked for 10 newspapers in the Community Newspaper Group for 12 November 1996 and the three remaining papers for 15 November 1996.
- (3) The wrap arounds booked for 12 November were run on that date. The other three were cancelled.

#### INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

##### *Oakajee - Infrastructure Funding*

775. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:
- (1) When will the State expect to see its investments in the Kingstream/Mid West Steel project at Oakajee returned?
  - (2) From what source will the finance for the infrastructure funding come for the Kingstream/Mid West Steel project?

Hon N.F. MOORE replied:

- (1) The State is not investing in the Mid West Iron and Steel project.
- (2) Financing has not yet been determined. There is an argument that Commonwealth funds should be made available for infrastructure development. Similarly the private sector has expressed interest in participating.

#### FUEL AND ENERGY - GAS

##### *Kingstream Project - Energy Use*

776. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:
- (1) What is the time span for guaranteed energy supplies to the Kingstream/Mid West Steel project at Oakajee?
  - (2) What quantity of natural gas will the Mid West Project use annually?
  - (3) What will the Kingstream/Mid West Steel project pay for each unit of natural gas used?
  - (4) What are the total estimated natural gas reserves in Western Australian?
  - (5) What is the current annual use?
  - (6) What is the estimated annual use with new projects such as Mid West Steel?

Hon N.F. MOORE replied:

- (1) The State Government has not guaranteed energy supplies to the Mid West Iron and Steel project. The Company has indicated it anticipates that Gas will be required from December 1999.
- (2) Gas consumption for the Mid West Iron and Steel project is estimated to be 62 PJ/a (Peta Joules per annum) for 2.4 Mtpa steel production.

- (3) Not available. Commercially confidential.
- (4) Currently proven reserves are 39,000 PJ. Significant additional reserves are expected from ongoing exploration.
- (5) 700 PJ.
- (6) Gas consumption is estimated to reach 2,100 PJ in 2010.

INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

*Oakajee - Ore Reserves*

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

What is the life expectancy of ore reserves in the Mid West region at the proposed rate of usage by Kingstream?

Hon N.F. MOORE replied:

The company has advised that it expects high grade iron ore will be mined from Talling Peak for a period of seven to eight years, followed by mining and treatment of high grade ore from Weld Range for an additional period in excess of 10 years. Further potential exists to mine and treat beneficial lower grade iron ore from Talling, Weld Range, Koolanooka, Blue Hills and other local sources.

SCHOOLS - PRIMARY

*Wanneroo - Asbestos Roof*

779. Hon KEN TRAVERS to the Leader of the House representing the Minister for Education:

- (1) Can the Minister for Education confirm that the asbestos roof at the Wanneroo Primary School will be removed during the summer holidays this year?
- (2) If yes, why was the roof not able to be replaced during school holidays in the winter months?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Roof replacement at schools is generally undertaken during the Christmas vacation to ensure that work is completed prior to the resumption of schooling. If work was undertaken during the winter holidays it is possible that rain might delay completion of projects within the shorter holiday period, leading to a disruption to school programs.

WATER CORPORATION - CONTRACTORS

*Counselling, Cautioning or Disqualifying*

780. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any contractors been counselled, cautioned or disqualified with regard to any work carried out on behalf of the Water Corporation?
- (2) If yes -
  - (a) who;
  - (b) when; and
  - (c) for what reasons?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) Counselling - Nil. However all contractors are regularly advised of any shortcomings in accordance with the conditions of contracts.  
Cautioned - D J & M B MacCormick  
SVB Engineering Pty Ltd  
Glen-Stock Contracting  
Disqualified - Nil.
- (b) All 1995.
- (c) The construction work and interface with customers was not to the required standard.

## WATER RESOURCES - CONSTRUCTION BRANCH

*Number of Employees*

788. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) What number of people were employed in the construction branch in each of the following years -

- (a) 1995;
- (b) 1996;
- (c) 1997?

(2) Approximately what number of people will be employed in the construction branch after January 1, 1998?

Hon MAX EVANS replied:

- (1) (a) 246
- (b) 94
- (c) 94

(2) 94

## WATER CORPORATION - EMPLOYEES

*John Tonkin Water Centre*

791. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) How many Water Corporation staff were at the John Tonkin Water Centre in each of the following years -

- (a) 1996;
- (b) 1997?

(2) How much office space did the Water Corporation occupy at the John Tonkin Water Centre in each of the following years -

- (a) 1996;
- (b) 1997?

Hon MAX EVANS replied:

- (1) (a) 671 (March 1996)
- (b) 664 (August 1997)
- (2) (a) 13368 square metres
- (b) 13647 square metres

## WATER CORPORATION - EMPLOYEES

*Purchase of Equipment*

792. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) Has the Water Corporation or its predecessor, the West Australian Water Authority, given employees the opportunity to purchase their tools of trade, without going to tender, when leaving the organisation?

(2) If yes, are there guidelines for purchases of this nature and will the Minister for Water Resources provide a copy of them?

(3) How many departing employees have used this scheme to purchase equipment?

(4) On what basis is the purchase price for equipment determined?

(5) What is the total value of goods sold under this scheme?

Hon MAX EVANS replied:

(1) Yes.

(2) The guidelines are :

- . the General Manager of the Division or the Regional Manager of the Region responsible for the asset agrees that the equipment is no longer required by the Corporation and approves in writing the sale by "Private Treaty";

- . the purchaser is an employee who has had severance approved or a person who is to be employed by a contractor to the Corporation;
  - . the request is for Hand/Portable tools normally issued to the tradesman and the estimated value is less than \$500 per line item or Specialised Equipment associated with the employee's trade or profession and the estimated value is less than \$5000 per line item; and
  - . the money paid to the Corporation is at least equal to the wholesale value of the goods based on the second hand price at auction, less identified savings (such as advertising, tender costs, auction costs, etc. gained by direct sale).
  - . For Lap-top and Personal Computers, authorisation by the General Manager, Planning and Development is required. This authorisation is subject to extended guidelines which ensure that approval is only given for equipment which can not be redeployed elsewhere within the Corporation.
- (3) Approximately 157 departing employees used the scheme to purchase computer equipment and/or related tools.
- (4) The value of the computer equipment was determined by independent external valuation. Other equipment was sold on valuation of goods sold at auction.
- (5) The total value of equipment sold under the scheme is approximately \$149,000.

#### WATER CORPORATION - CONTROLLED MARKETING

##### *Nature and Cost of Work*

795. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Has the Water Corporation engaged Controlled Marketing to do any work on its behalf in 1996 or 1997?
- (2) If so -
- (a) when;
  - (b) for what purpose; and
  - (c) at what cost?

Hon MAX EVANS replied:

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

#### WATER CORPORATION - REPORTS

##### *Consultants - Number and Details*

800. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many reports by outside consultants have been commissioned by the Water Corporation since January 1996?
- (2) What is the name of each of the reports?
- (3) Who undertook each of the reports?
- (4) How much did each report cost?

Hon MAX EVANS replied:

- (1) 91
- (2)-(4) [See paper No 868.]

#### WATER CORPORATION - SEWERAGE INFILL PROGRAM

##### *Contracts - Number and Cost*

801. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many infill sewerage contracts did the Water Corporation successfully tender for in -

- (a) 1996;
  - (b) 1997?
- (2) What was the total cost of those contracts?
  - (3) What was the value of the combined total of the next lowest tenders for each of those contracts?
  - (4) How much money did the Water Corporation save in 1996 and 1997 by using the construction branch to undertake those contracts rather than accepting the lowest private sector tender?

Hon MAX EVANS replied:

- (1) (a) Two.  
(b) One.
- (2) The total tender prices of these three contracts was \$3.991 million.
- (3) The combined total of the next lowest tender prices for these three contracts was \$4.133 million.
- (4) The potential savings based on tender prices was \$0.142 million.

#### WATER CORPORATION - CONTRACTS

##### *Number and Details*

802. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many contracts did the Water Corporation award during 1996 and 1997 that had a value in excess of \$100 000?
- (2) Who were those contracts to?
- (3) What work did the contract provide for?
- (4) Did each of those contracts go to tender?

Hon MAX EVANS replied:

- (1) 240 contracts in excess of \$100,000 were awarded during 1996 and 1997.
- (2) [See paper No 869.]
- (3) . Construction (includes design and construct jobs)  
. Consultancy (includes Agency contracts)  
. Service Contracts  
. Disposals
- (4) . 146 Contracts went to tender  
. 94 Contracts were either expressions of interest or selected tendering.

#### WATER RESOURCES - KALGOORLIE PIPELINE

##### *Refurbishment - Tenders*

803. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many tenders were received in January 1996 for refurbishment of the Kalgoorlie pipeline?
- (2) Why were none accepted?
- (3) What is the current status of the refurbishment program?

Hon MAX EVANS replied:

- (1) Four tenders were received by the closing date of 6 March, 1996 including an alternate tender for new pipe in lieu of refurbishment.
- (2) Tenders were rejected because the prices received were significantly different from that envisaged at the time of tender, and detailed analysis revealed that the Corporation could achieve significant cost savings if a "patching" refurbishment process could be developed in lieu of the tendered "wholesale" refurbishment process. This required new equipment and processes to be developed and, therefore, a new tendering process.

- (3) Following development of the necessary equipment by the Corporation, public open tenders were called in June - July 1997 for the two service contracts required to complete the patch refurbishment site works as follows:

- . Removal of the defective cement mortar lining from the pipe;
- . In-situ cement mortar relining of the cleaned areas in the pipe.

Site works are scheduled to commence on 10 September, 1997 and last for approximately 6 weeks.

WATER CORPORATION - ASSET CREATION PROGRAM

*Value*

806. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What is the monetary value of the Water Corporation's asset creation program for 1997/98?
- (2) What is the monetary value of the construction branch's work in this program?
- (3) How much money will the construction branch contribute to the overheads of the Water Corporation as a result of undertaking their component of the program?

Hon MAX EVANS replied:

- (1) \$275 million.
- (2) \$13.4 million.
- (3) \$531,800 contribution (ie reduction in overheads).

WATER CORPORATION - SEWERAGE INFILL PROGRAM

*Promotion Campaigns - Cost*

816. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What campaigns have been run since 1993 promoting the infill sewerage program?
- (2) What is the total amount that has been spent on these campaigns?

Hon MAX EVANS replied:

- (1)
  - (a) In April 1994, two television advertisements to announce and explain the Infill Program.
  - (b) In June 1996, one television advertisement to highlight awareness of the Infill Program and increase the connection rate.
  - (c) In April/May 1997, three television advertisements to increase the connection rate.
  - (d) From 1996, an ongoing connection advice strategy in newspapers.
- (2) \$413,000

WATER CORPORATION - SEWERAGE INFILL PROGRAM

*Connections*

818. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many homes became eligible to connect to the sewerage system in each month of this year?
- (2) How many homes have been connected to the sewerage system in each month of this year?

Hon MAX EVANS replied:

- (1) 1,986 for three months to 31 March 1997  
3,197 for three months to 30 June 1997.  
Total of 5,183 for year to 30 June 1997.
- (2) 980 for three months to 31 March 1997.  
1,215 for three months to 30 June 1997.  
Total of 2,195 for year to 30 June 1997.



## WATER CORPORATION - SEWERAGE INFILL PROGRAM

*Complaints*

819. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many complaints did the Water Corporation receive concerning the implementation of the infill sewerage program in 1996/97?
- (2) What is the nature of the complaints?
- (3) Which suburbs have the complaints been from?

Hon MAX EVANS replied:

- (1) The Corporation recorded 87 complaints for 1996/97.
- (2) The nature of complaints are generally concerning;
  - . construction works specific,
  - . the proposed Program schedule,
  - . large lots not targeted under the Program,
  - . non-domestic properties not targeted under the Program, and
  - . television campaigns and newspaper advertisements.
- (3) The complaints come from all Infill Program areas and non-programmed areas. The majority of suburbs in the metropolitan area, and country towns are represented.

## WATER CORPORATION - SEWERAGE INFILL PROGRAM

*Advertising Campaigns*

820. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Does the Water Corporation have any plans to conduct any advertising campaigns concerning the infill sewerage strategy?
- (2) If yes -
  - (a) when;
  - (b) what is the estimated cost; and
  - (c) what type of campaign is planned?

Hon MAX EVANS replied:

- (1) Currently, there is an advertising campaign in local community newspapers, that provides ongoing advice to customers regarding connection to sewerage.  
At this stage no other specific advertising campaign is planned.
- (2) (a)-(c) Not applicable.

## WATER CORPORATION - SEWERAGE INFILL PROGRAM

*Connections*

824. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

What areas, by suburb or postcode, in Western Australia have homes which are able to be connected to the sewerage system but have not yet been connected?

Hon MAX EVANS replied:

All areas in Western Australia that have a Corporation managed reticulated sewerage infrastructure may have properties, which, for a number of reasons, are not connected to a sewer main. As part of the Corporation's ongoing connection strategy, these properties are being progressively identified and encouraged to connect.

## MINING - FIMISTON I AND II TAILINGS DAMS

*Water Recovery Program*

832. Hon J.A. SCOTT to the Minister for Mines:

I refer to question on notice 646 of June 25, 1997 where the Minister has stated "In relation to the Fimiston I and

Fimiston II tailings storage facilities, the operator has implemented an extensive water recovery program to control any possible seepage from these tailings facilities" -

- (1) Can the Minister state what does this extensive water recovery program consist of and on what dates this 'extensive water recovery program' was constructed and commenced operating?
- (2) If not, why not?
- (3) Can the Minister or the department provide a plan with a scale showing the 'extensive water recovery program' in relation to the Fimiston I and Fimiston II tailings dams and the works (trenching and seepage recovery bores) constructed as a result of this program?
- (4) If not, why not?
- (5) The Minister has stated "The situation is being managed by KCGM to the satisfaction of the Department of Minerals and Energy". Can the Minister state why and how the situation is being managed to the 'satisfaction of the Department of Minerals and Energy'?
- (6) If not, why not?
- (7) What responsibilities do you as the Minister and the department have to enforce and uphold the *Mining Act 1978* and the associated regulations?
- (8) If none, why not?

Hon N.F. MOORE replied:

- (1) Yes. The extensive water recovery program commenced in early 1993 and has continued to expand in response to groundwater elevation. Groundwater production commenced in early 1993 when bores CKGM 1 and CKGM 2 were re-commissioned. A groundwater recovery sump known as the Balgold sump was also re-commissioned at this time. This was followed by a trench surrounding part of the Oroya tailings storage in late 1993.

The next stage of development focused on the area immediately west of A and B paddocks of the Fimiston II tailings dam. The Fimiston II trench was constructed and commissioned in late 1993. Between June 1994 and April 1995 a series of 14 production bores adjacent to the western wall of A and B paddocks was commissioned. These are identified as PB F2 to PB F20. Production from some of these bores caused groundwater flow into the Fimiston II trench to stop by late 1994.

Production bores PB F46 and PB F48 were commissioned in January 1996 as replacements for CKGM 1 and CKGM 2.

A series of 12 production bores was constructed in the floodway area between the Fimiston II and Oroya tailings dams during 1996. These bores were commissioned in August 1996 and are identified as PB F22 to PB F44.

Ten production bores were constructed in the area to the west of C paddock of the Fimiston II tailings dam during late 1996. Six of these bores had been commissioned by May 1997 and are identified as PB F50 to PB F60.

The water recovery system currently consists of 34 groundwater production bores and 8.5km of groundwater recovery trenches. 9.00 kilometres of pipeline in conjunction with a collector tank and boost station, operating with full remote telecommunication control (including leak detection) deliver the water to the Fimiston plant for reuse. The system produces in excess of 3 000 kilolitres per day of water, which is approximately 15% of the makeup water requirement for the Fimiston plant. The total amount spent to date on the system is in excess of 2.5 million dollars.

- (2) Not applicable.
- (3) Yes, attached is drawing number 175/G/1048 revision N produced by Kalgoorlie Consolidated Gold Mines Pty Ltd [See paper No 867.]
- (4) Not applicable.
- (5) KCGM Pty Ltd is meeting the conditions imposed on the tenements.
- (6) Not applicable.

- (7) I refer you to Part II of the Mining Act 1978 which defines the roles of the Minister and the Department in administering the Act.
- (8) Not applicable.

MINING - FIMISTON I AND II TAILINGS DAMS

*Water Recovery Program*

833. Hon J.A. SCOTT to the Minister for Mines:

I refer to question on notice 647 of June 25, 1997, where the Minister has stated "There appears to have been a rise in groundwater levels in the Kalgoorlie area. The actual causes of this rise have not been identified." I also refer to a briefing note to the Hon Minister dated August 19, 1996 signed by Mr K R Perry, Director General which states "The seepage from Fimiston 1 and Fimiston II tailings disposal structures is the most recent issue to be brought to our attention by Optimum Resources. Investigations by departmental officers confirm that a groundwater mound has developed under these structures and this has resulted in modified higher ground water levels in the region of Optimum Resources tenements" -

- (1) Will the Minister or the department issue a stop work order under Regulation 120L of the *Mining Act 1978* to the owner(s) or operator(s) of the Fimiston 1 and Fimiston II tailings dams for continually breaching Regulation 98 of the *Mining Act 1978* by causing inconvenience to the holder of P 26/1848 and P 26/1858?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) I am advised that the Department's inspectorate is of the opinion that on the evidence available a breach of Regulation 98 is not taking place.
- (2) Not applicable.

MINISTRY OF JUSTICE - LEGISLATION AND COURT DECISIONS

*Availability on Austlii*

838. Hon TOM STEPHENS to the Attorney General:

- (1) Is the Attorney General aware the Australian Legal Information Institute now provides free Internet access to a wide range of Australian legal materials including court decisions free of charge?
- (2) When will Western Australian legislation and court decisions be available on Austlii?
- (3) What legislation and court decisions will be available?
- (4) Can the Attorney assure the House that Western Australians will have the same degree of free access to these legal materials as residents of other Australian States do to their own jurisdiction's materials?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Work is currently underway to load the SWANS legislative database onto the Internet on a progressive basis with an estimated completion date of early 1998. Work is also underway to deliver unreported Supreme Court judgments to the Internet, with an expected completion date of early 1998.
- (3) SWANS legislative database and unreported judgments (Supreme Court of WA).
- (4) See (2) and (3).

MINING - LEASE M80-417

*Status*

858. Hon TOM STEPHENS to the Minister for Mines:

In regard to Mining Lease M 80-417 -

- (1) What is the current status of this mining lease?
- (2) Is the Government currently considering applicants to take over this lease?

- (3) When must applications for this lease be received by for consideration?
- (4) When will a final decision be made as to who will take over this lease?

Hon N.F. MOORE replied:

- (1) Application for Mining Lease 80/417 is currently pending whilst negotiations under the Native Title Act 1993 take place.
- (2)-(4) No; there is no provision under the Mining Act 1978 for other parties to formally take over an application for a mining lease.

SPORT AND RECREATION - ELITE SPORTING FACILITIES

*Study*

859. Hon TOM STEPHENS to the Minister for Sport and Recreation:

- (1) Has the Government done a study on Western Australia's major elite sporting facilities?
- (2) If yes, who was involved with the study and what are their backgrounds?
- (3) Which facilities were examined?
- (4) How long has the study been completed?
- (5) Has the Government received the study and if so, when?
- (6) Does the Government intend to implement any decisions from the study?
- (7) Are there any financial implications for sport or the Government in the study?
- (8) If yes, what are they?
- (9) Is it correct that the Swan Shire Council has told the Government it will close the Speed Dome unless the State provides financial support to meet the \$400 000 running costs?

Hon N.F. MOORE replied:

- (1) A study has been undertaken on seven international standard facilities.
- (2) A Review Group was established of people with a breadth of experience in sports management, management, local government etc. It comprised:

Mr Ray Turner (Chair), Town and Country Bank  
Mrs Jan Thurley, Baseball Development Foundation  
Mr Lindsay Delahaunty, City of Wanneroo  
Mr Colin Nicholas, Architect (past National President, Men's Hockey)  
Mr Gratton Wilson, WA Gymnastics Association (and Chair WA Sports Federation Facilities Committee)  
Mr Max Poole, Ministry for Planning  
Mr Garry Hall, Treasury  
Mr John Fuhrmann, Ministry of Sport and Recreation  
Mr Graham Brimage, Ministry of Sport and Recreation  
Mr Ashley Wilson (Executive Officer), Ministry of Sport and Recreation

Consultants, Bourne Griffiths Management Consultants were engaged to undertake a financial and management assessment of each of the facilities.

- (3) Perth Hockey Stadium  
Speed Dome  
State Shooting Complex  
State Equestrian Centre  
State Tennis Centre  
Belmont International Baseball Stadium  
Perry Lakes Stadium
- (4) The overall report was completed in March 1997.
- (5) The report was presented and discussed on the 5 June 1997.
- (6) The recommendations are still under consideration.
- (7) Yes.

- (8) That will depend on the decisions made.
- (9) The Shire of Swan advised me that as of approximately 10 September 1997, it would no longer accept responsibility for the operation of the Speed Dome. However, I am advised they have agreed to keep operating it until new arrangements are put in place.

#### FLAGS - UNITED NATIONS

##### *Flying on United Nations Day*

862. Hon J.A. COWDELL to the Leader of the House representing the Premier:

- (1) Is the Premier aware of the Government's requirement in following protocol concerning the flying of the United Nations Flag on United Nations Day, October 24?
- (2) Will the State Government follow this requirement as set out in the United Nations Flag Code and the Federal Department of Administrative Services Awards and Symbols branch handbook on the matter?
- (3) If not, could the Premier explain why the Government does not recognise the contribution the United Nations has made to the people of the world, Australia and West Australians on United Nations Day?

Hon N.F. MOORE replied:

- (1)-(3) Yes, the Government is aware of the requirement concerning the United Nations Flag. Each year the Awards and National Symbols Branch of the Commonwealth Department of Administrative Services issues a notice regarding the flying of the United Nations Flag on 24 October. On receipt of the notice, the Protocol Branch of the Ministry of the Premier and Cabinet forwards advice to State Government agencies of the requirement for the display of the UN Flag.

#### ADOPTIONS - ACT

##### *Contact Vetoes - Breaches*

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

Is the only provision in the *Adoption Act* in relation to breaches of contract vetoes directed to a person acting as an agent?

Hon E.J. CHARLTON replied:

No. A breach of contract veto can also occur when a person who does not comply with their signed undertaking (where they agree to no contact), then contacts the person who lodged the contact veto.

#### WORKERS' COMPENSATION - PREMIUMS AND CLAIMS

##### *Total Amount of Payments*

874. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) What is/was the total amount of insurance premiums paid by employers for workers' compensation insurance in -
- (a) 1992/93;
  - (b) 1993/94;
  - (c) 1994/95;
  - (d) 1995/96;
  - (e) 1996/97; and
  - (f) 1997 to date?
- (2) What were the total number of claims for disabilities for the above periods and what was the total amount paid for these claims?
- (3) In relation to the number of claims for the above periods, do the statistics in relation to those claims include claims for injuries occurring on the way to or from work?
- (4) If yes to any part of (3) above, for what years were such statistics included?
- (5) What were the amounts paid to workers who received injuries which occurred on the way to or from work, for the years -

- (a) 1991/92;
- (b) 1992/93;
- (c) 1993/94?

Hon PETER FOSS replied:

- (1) (a) \$299.026 million
- (b) \$347.994 million
- (c) \$365.328 million
- (d) \$372.371 million
- (e) \$409.759 million
- (f) not available

(2)		Number of claims	Claim Payments (Million \$)
	1992/93;	57,264	290.298
	1993/94	56,021	318.104
	1994/95;	54,947	324.783
	1995/96;	59,476	326.065
	1996/97;	63,243	374.349
	1997 to date	not available	

- (3) Statistics for 1992/93 and 1993/94 include claims for injuries occurring on the way to or from work, however, statistics for 1994/95, 1995/96, 1996/97 and 1997 to date do not.
- (4) Journey claims were compensable until the Workers' Compensation and Rehabilitation Amendment Act 1993 was proclaimed on 24 December 1993. Therefore statistics up to and including the 1993/94 financial year would include claims for injuries occurring on the way to or from work.
- (5)

	Number of claims	Cost
(a)	2,972	\$117,618
(b)	2,911	\$112,166
(c)	1,666	\$65,574

#### INDUSTRIAL RELATIONS - CONCILIATION AND REVIEW DIRECTORATE

##### *Review Hearings*

875. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) What was the total number of conciliation meetings/conferences held in the Conciliation and Review Directorate (the Directorate) for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (2) What was the total number of review hearings for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (3) What was the total number of preliminary review hearings for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (4) What was the average length of hearing of the review hearings for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (5) What was the average cost of review hearings for the years -
  - (a) 1993/94;
  - (b) 1994/95;

- (c) 1995/96; and
- (d) 1996/97?

- (6) What is the average time taken for the delivery of written reasons from review hearings for the years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?

Hon PETER FOSS replied:

- (1)
  - (a) 965
  - (b) 2870
  - (c) 3307
  - (d) 4168
- (2)
  - (a) 173
  - (b) 745
  - (c) 588
  - (d) 695
- (3)
  - (a) 193
  - (b) 404
  - (c) 241
  - (d) 285
- (4) (a)-(d) Average hearing times are not maintained. Each review hearing is dependent upon the issues in dispute and the number of witnesses called by either party. As an indication, the maximum length for a review hearing has been 9 days, with the minimum being approximately half an hour. Generally, however, most reviews take between one half-day to a day for hearing. This has remained consistent for the years mentioned.
- (5) (a)-(d) The specific cost of review hearings is unknown as the review process is one tier of a 3-tier system that is budgeted for within a sub-programme of workers' compensation dispute resolution.
- (6) (a)-(d) Average times taken for delivery of written reasons from review hearings are not maintained. The actual time depends on the complexity of the issue/s. Generally when written reasons are requested by either party they are provided within one week to two weeks of the request.

#### WORKERS' COMPENSATION - MAGISTRATES

##### *Appeals - Number*

876. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) What was the total number of appeals to the Compensation Magistrate made for the years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (2) What is the average time taken for a matter to reach a Compensation Magistrate on appeal, commencing from a conciliation meeting and having been subject to review for the years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (3) What is the average time taken for the delivery of Compensation Magistrates' decisions for the years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (4) What was the total number of appeals from the Compensation Magistrate to the Supreme Court of Western Australia for the years -
- (a) 1993/94;
  - (b) 1994/95;

- (c) 1995/96; and
- (d) 1996/97?

Hon PETER FOSS replied:

- (1)
  - (a) 9
  - (b) 124
  - (c) 68
  - (d) 84
- (2) I am not prepared to devote the considerable resources which would be required to provide the information requested in this question. If the Hon Member has a specific query, I will seek the information.
- (3)
  - (a) 41 Calendar days
  - (b) 29 Calendar days
  - (c) 13 Calendar days
  - (d) 13 Calendar days

It should be noted that the above are calendar days and the Magistrate only sits at the Compensation Magistrate's Court 3 calendar days in each 7. Further, there is only matter that has been heard but no decision given at this time. If a hearing date for an appeal is sought at this time, a date of 6 October could be the hearing date. Generally appeals are heard within 4-6 weeks of the appeal being lodged, depending on the availability of legal representatives.

- (4) The records held by the Conciliation and Review Directorate only include the year in which an appeal was lodged at the Supreme Court. Based on this, the number of appeals lodged by year are:
  - (a) 3
  - (b) 12
  - (c) 4
  - (d) 2

#### INDUSTRIAL RELATIONS - CONCILIATION AND REVIEW DIRECTORATE

##### *Officers - Number*

877. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) How many Conciliation Officers were employed by the Conciliation and Review Directorate (the Directorate) for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (2) How many Review Officers were employed by the Directorate for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (3) How many Compensation Magistrates have heard appeals in relation to matters before the Directorate for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (4) What was the total cost of the administration of the Directorate for the years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (5) Do the above figures include the salary of the Compensation Magistrates?
- (6) What percentage of matters before Conciliation Officers involve the appearance of workers' compensation insurance claims officers on behalf of employees or insurers for the years -
  - (a) 1993/94;
  - (b) 1994/95;



- (c) 1995/96; and  
(d) 1996/97?
- (7) What percentage of matters before the Review Officers involve the appearance of workers' compensation insurance claims officers on behalf of employees or insurers for the years -
- (a) 1993/94;  
(b) 1994/95;  
(c) 1995/96; and  
(d) 1996/97?
- (8) What percentage of matters before Review Officers involve the appearance of legal practitioners on behalf of workers for the years -
- (a) 1993/94;  
(b) 1994/95;  
(c) 1995/96; and  
(d) 1996/97?

Hon PETER FOSS replied:

- (1) Full time equivalents have been utilised for Conciliation Officers:
- (a) 8  
(b) 7.5  
(c) 7  
(d) 7
- (2) Full time equivalents have been utilised for Review Officers:
- (a) 5  
(b) 5  
(c) 5  
(d) 5
- (3)
- (a) 1  
(b) 3  
(c) 2  
(d) 2
- (4) The cost of the administration of the Directorate and the Compensation Magistrate's Court was:
- (a) \$2,128,132  
(b) \$2,729,514  
(c) \$2,377,486  
(d) \$2,690,195
- (5) Yes.
- (6) (a)-(d) No insurance claim officers have appeared on behalf of an employee before Conciliation Officers. On the assumption the question should read "employers" and not "employees", then claim officers would have appeared at most, if not all, conciliation conferences, except where the employer was not insured or was a self-insurer. On a few occasions, an articled or law clerk, or a lay representative has appeared for an employer/insurer, but their attendance is so infrequent that no accurate record is maintained.
- (7) (a)-(d) No insurance claim officers have appeared on behalf of an employee before Review Officers. On the assumption the question should read "employers" and not "employees", then claim officers would have appeared at most, if not all, reviews except where the employer was not insured, was self-insured, or where legal representation was agreed or allowed.
- (8) For applications lodged since the creation of the Conciliation and Review Directorate, the percentage of workers who were legally represented at review hearings are as follows:
- (a) 32%  
(b) 10%  
(c) 7%  
(d) 6%

#### WORKERS' COMPENSATION - INSURERS

##### *Costs of Claims*

878. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:
- (1) Does the Workers' Compensation and Rehabilitation Commission collect statistics on the administrative costs of workers' compensation claims incurred by workers' compensation insurers?

- (2) If so, then what were those administrative costs of claims for insurers for the years:
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (3) If yes to (1) above, what are the components of those costs and what are the respective amounts of those costs?
- (4) If no to (1) above, why are those statistics not collected?
- (5) What was the total amount of legal costs in relation to workers' compensation claims for the years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96; and
  - (d) 1996/97?
- (6) If these statistics are not available, why is this the case?
- (7) If these statistics are available, what is the source of those statistics and what is their manner of compilation?
- (8) What amount of legal costs referred to in (5) above is attributable to legal practitioners engaged by workers' compensation insurers?
- (9) In calculating the legal costs referred to in (5) above would the Minister for Labour Relations specify the component of those costs and do such costs include costs for disbursement for medical reports and court filing fees in the District and Supreme Courts?
- (10) If yes to any part of (9) above, what are the amounts of those costs?

Hon PETER FOSS replied:

- (1) No.
- (2)-(3) Not applicable.
- (4) These statistics are not collected by the Workers' Compensation and Rehabilitation Commission as this information is only needed when determining premiums rates.
- (5)
- (a) \$27.225 million
  - (b) \$24.680 million
  - (c) \$20.554 million
  - (d) \$18.580 million
- (6) Not applicable.
- (7) WorkCover WA systems data which is supplied by approved and former approved insurers and approved self-insurers.
- (8)-(10) Not available.

#### ENVIRONMENT - NICKEL SMELTER

##### *Sulphur Dioxide Emissions - Western Mining Corporation*

879. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:
- With reference to excessive Sulphur Dioxide emissions from Western Mining Corporation's (WMC) Nickel Smelter which are alleged to have occurred in late April 1997 -
- (1) What were the levels and by how much did they exceed the Department of Environmental Protection emission levels?
  - (2) What action will the Minister for the Environment be taking under the *Environmental Protection Act* for excessive emissions?
  - (3) If none, why not?
  - (4) What was the cause of the emission and what steps will WMC take to prevent it from occurring again?

Hon MAX EVANS replied:

- (1) I am advised that the Department of Environmental Protection is not aware of any excessive Sulphur Dioxide emissions alleged to have occurred in late April 1997, from Western Mining Corporation's Nickel Smelter.
- (2)-(4) Not applicable.

#### EXMOUTH RESORT AND CANAL DEVELOPMENT - AGREEMENT

##### *Australian City Properties and Axiom Properties*

883. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

- (1) Is an agreement now in place with the State Government that will see Australian City Properties and Axiom Properties build Exmouth's marina resort development?
- (2) If not, what is the current situation relating to this development?

Hon N.F. MOORE replied:

- (1) No.
- (2) The Exmouth Development Steering Group Sub-Committee has met with Axiom Properties Ltd and Australian City Properties. Representatives of the proponents and the sub-committee have held on site discussions with the Gnulli People who are representing Aboriginal interests. Discussions with proponents are continuing with the aim of reporting to government before the end of the year.

#### FORESTS AND FORESTRY - REGIONAL FOREST AGREEMENT

##### *Social Assessment*

885. Hon BOB THOMAS to the Minister for Finance representing the Minister for the Environment:

- (1) Why has the social assessment aspect of the Scoping Agreement for the Western Australian Regional Forest Assessment been delayed until after the other factors, such as biodiversity, heritage, economic old growth, wilderness and sustainability assessments, have been well progressed?
- (2) How many State or Commonwealth staff will be employed on the social assessment task?
- (3) What is the time frame for the social assessment including the date on which the report must be presented to the steering committee?
- (4) What consultations are proposed with local communities?
- (5) How long did the social assessment process take in the completion of the East Gippsland Regional Forest Agreement?

Hon MAX EVANS replied:

- (1) Some projects for the Comprehensive Regional Assessment commenced in the latter half of 1996 because they were expected to take more than one year to complete. This included vegetation mapping and soils mapping projects. Other projects which commenced early included data review projects which were designed to identify data gaps which could be filled during the assessment period. The social assessment projects were approved by the Steering Committee in June 1997, however, there was a delay in commencement due to the availability of Commonwealth staff in the Social Assessment Unit of the Department of Primary Industries and Energy.
- (2) Up to 10 State and Commonwealth government staff will be employed full-time or part-time on the social assessment. The projects will also use consultants and contractors to carry out some tasks.
- (3) There are several reports for the RFA which will include social assessment data - an options report, a CRA report and individual project reports. The options report is due to be published in early November following the integration of environmental, heritage, economic and social data. Detailed social and economic impact analysis will continue through to the signing of the agreement.
- (4) Consultation with local communities will include the following:
  - \* Community heritage workshops (10 localities)
  - \* Aboriginal heritage workshops (eight localities)

- \* Social assessment community workshops (six localities)
- \* Social assessment focus groups
- \* Social assessment telephone surveys
- \* Social assessment written surveys and interviews
- \* Public meetings following release of options report (six localities)
- \* Public meetings following signing of the RFA agreement

- (5) The Social Assessment for the East Gippsland RFA was completed in a three month period between April and June 1996.

#### ENVIRONMENT - FIMISTON I AND II TAILINGS DAMS

##### *Licence - Inclusion of Xanthate*

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

I refer to Licence Number 6420, file L 137/88 being for Fimiston I and Fimiston II tailings dams, where condition W6(a) on the licence states "The licensee shall sample the bores listed in Attachment 1 to this licence, at the frequency identified in the attachment, for the following parameters -

- (i) Ph, Electrical conductivity and standing water level;
- (ii) total dissolved solids (gravimetric);
- (iii) total, free and weak acid dissociable cyanide;
- (iv) copper (Cu);
- (v) arsenic (As);
- (vi) zinc (Zn);
- (vii) iron (Fe); and
- (viii) mercury (Hg)."

- (1) Will the Minister for the Environment or the Department of Environmental Protection ("DEP") amend the licence or change the condition of the licence when it is renewed to include xanthate as a parameter to be sampled from all the bores listed in attachment 1 given that xanthate is used in the Fimiston Mill?
- (2) If not, why not?
- (3) Can the Minister indicate when the samples are taken at all the bores listed in attachment 1, in terms of whether the standing water level measurement is taken before or after a sample is taken from each bore?
- (4) If not, why not?
- (5) Can the Minister or the DEP explain why and for what reasons the standing water level measurement is taken at the time it is taken?
- (6) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) The Department of Environmental Protection (DEP) considers the current number of sample parameters to be adequate for the monitoring of possible groundwater contamination.
- (3) Kalgoorlie Consolidated Gold Mines measures standing water levels (SWL) either immediately prior to groundwater samples being taken, or several weeks after sampling has occurred.
- (4) Not applicable.
- (5) Standing water level (SWL) measurements are taken at the times indicated to ensure that they give a true indication of the water levels, unaffected by sampling drawdown interference.
- (6) Not applicable.

#### ENVIRONMENT - FIMISTON I AND II TAILINGS DAMS

##### *Water Samples - Copy of Results*

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

I refer to Licence Number 6420, file L 137/88 being for Fimiston I and Fimiston II tailings dams, where condition W6(b) on the licence states "The licensee shall provide a copy of the results of the above sampling for each quarter (ending March, June, September and December) to the Department of Environmental Protection's regional office in Kalgoorlie."

- (1) Has the Licensee complied with condition W6(b) and provided a copy of the results of the sampling for the bores listed in attachment 1 for the quarters ending March and June 1997?
- (2) If not, why not?
- (3) Will the Minister for the Environment or the Department of Environmental Protection take action to enforce this condition of the licence?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(3) Not applicable.

#### ENVIRONMENT - FIMISTON I AND II TAILINGS DAMS

##### *Water Samples - Standards*

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

I refer to Licence Number 6420, file L 137/88 being for Fimiston I and Fimiston II tailings dams, where condition W6(c) on the licence states "All water samples shall be collected in accordance with Australian Standard 2031.1, 1986 or other methods approved by the Director" -

- (1) Can the Minister for the Environment or the Department of Environmental Protection provide me with a copy of "Australian Standard 2031.1, 1986" and any "other methods approved by the Director"?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) To date, all samples taken in relation to condition W6(c) of Licence Number 6420 have been taken in accordance with Australian Standard 2031.1, 1986. Other methods have not been approved. A copy of Australian Standard 2031.1, 1986 is available from the Standards Association of Australia.

#### MINING - OPTIMUM RESOURCES

##### *Oroya Tailings Dam - Leaks*

889. Hon J.A. SCOTT to the Minister for Mines:

I refer to a letter signed by the Minister for Mines dated January 10, 1994, your reference 3491. The Minister has stated on page 2 "Q8, 10 and 12 all contain the word "inconvenience". Optimum has been repeatedly requested by departmental officers to state how their operations have been inconvenienced so that Departmental officers can determine the validity of tendering such information as evidence in court".

- (1) Can the Minister state on what dates and which specific departmental officers have repeatedly requested Optimum to state how their operations have been inconvenienced?
- (2) If not, why not?
- (3) The Minister has stated on page 4 "The letter to you from the Environmental Protection Authority dated December 13, 1993 categorically states that Kalgoorlie Consolidated Gold Mines have not transgressed any environmental laws". Can the Minister quote the specific text in the letter of December 13, 1993 which he has referred to which "categorically states Kalgoorlie Consolidated Gold Mines have not transgressed any environmental laws?"
- (4) If not, why not?
- (5) The Minister has stated on page 4 "Kalgoorlie Consolidated Gold Mines have in their CER dated 1991, given Government a specific undertaking to rehabilitate their own land and as part of that undertaking have lodged a substantial bond well in excess of one million dollars to support this undertaking". Can the Minister state what Kalgoorlie Consolidated Gold Mines' substantial bond has to do with Optimum's tenements and why this statement was mentioned in the letter of January 10, 1994?
- (6) If not, why not?
- (7) The Minister has stated on page 5 "The report carried out at the direction of the Water Authority indicates that the seepage velocities beneath the surface are in the order of 1 to 10 metres per year. Such velocities

would imply that the leakage is not directly affecting Optimum's P26/1848 and P26/1858". Can the Minister state the name of the report referred to, the date on which it was produced and by whom?

- (8) If not, why not?
- (9) The Minister has stated on page 4 "Q2(a) "It is considered impossible to stop the leaks which now exist in the dam walls". Can the Minister state the date on which the department or the Minister became aware and discovered the leaks which existed in the dam walls of the Oroya Tailings dam?
- (10) If not, why not?

Hon N.F. MOORE replied:

- (1) I am advised that several of the Departmental officers involved in investigating the complaint made by Optimum Resources during the calendar year 1993 have requested evidence to support Optimum's claims. A specific request was made by District Mining Engineer D Holly on or about 10 November 1993 which was subsequently followed up by a written request on 22 December 1993. In addition the Acting State Mining Engineer, in correspondence dated 7 December 1993 with John Wojtowicz & Associates, Barristers and Solicitors purporting to act on behalf of Optimum Resources, requested specific evidence to support the repeated claims put forward by Optimum Resources.
- (2) Not applicable.
- (3) In his letter dated the 13 December 1993 the Director Pollution Control makes the following statements:
- (a) "the EPA is not allowing KCGM to break any laws in relation to their tailings dam".
- (b) "there are no grounds for the Environmental Protection Authority to undertake prosecution against KCGM".
- (4) Not applicable.
- (5) The statement was put in the letter so that the person receiving the letter could be fully aware of the degree to which the Government was, and is controlling the environmental aspects of KCGM's operations.
- (6) Not applicable.
- (7) "Groundwater Seepage Investigation - Oroya Tailings Dam - Kalgoorlie Western Australia" - Golder Associates October 1993.
- (8) Not applicable.
- (9) The Department first became aware of possible seepage affecting the general area in the vicinity of Optimum Resources tenements in October 1992.
- (10) Not applicable.

MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

*Land Clearing*

890. Hon GIZ WATSON to the Minister for Mines:

As a result of the unauthorised clearing of 230 hectares of land by Kalgoorlie Consolidated Gold Mines ("KCGM") associated with the building of Kalgoorlie Consolidated Gold Mines' Fimiston II tailings storage facility on 24 general purpose leases and one mining tenement during January and February 1995 -

- (1) Can the Minister advise -
- (a) if forfeiture proceedings of those leases were initiated against KCGM;
- (b) what was the rationale for this decision given that KCGM had previously breached conditions on its other tenements; and
- (c) was any other action taken against KCGM in relation to the unauthorised clearing of land associated with these tenements?
- (2) If so, can the Minister provide full details as to the extent of those actions?

Hon N.F. MOORE replied:

- (1) (a) Yes.

- (b) It is assumed that the Hon Member's question relates to the decision not to forfeit the tenements involved. It was considered that the breach of condition on these tenements was not serious enough to warrant forfeiture.
- (c) Yes.
- (2) In lieu of forfeiture, a fine of \$2 500 per tenement was imposed, making a total fine of \$57 500.

ABORIGINES - WEST KIMBERLEY

*Fitzroy River - Regional Access Agreement*

893. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

- (1) Will the State Government negotiate a regional access agreement with the Aboriginal groups of the West Kimberley prior to further consideration of development proposals for water and agriculture projects involving the Fitzroy River valley area?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) The Department of Resources Development is currently negotiating a draft memorandum of understanding with the preferred proponent (Western Agricultural Industries) in relation to proposals for development of water and land resources of the West Kimberley. Subject to Cabinet consideration and endorsement of a Memorandum of Understanding the developer will proceed with a broad range of studies including those that might generally or specifically relate to Aboriginal people. It is expected that the developer will undertake active and extensive consultations with the community (including the Aboriginal community) as part of assessing the feasibility of the project. These negotiations and the proposed consultation process have not been completed, therefore, the details of final outcomes are currently unavailable.
- (2) Not applicable.

MINISTRY OF JUSTICE - REMANDS IN CUSTODY

*Number*

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

How many persons were in custody awaiting trial for periods longer than -

- (a) 3 months;  
 (b) 6 months;  
 (c) 12 months;  
 (d) 15 months; and  
 (e) 18 months,

as at -

- (i) December 31, 1995;  
 (ii) June 30, 1996;  
 (iii) December 31, 1996;  
 (iv) June 30, 1997  
 (v) July 31, 1997; and  
 (vi) August 31, 1997?

Hon PETER FOSS replied:

CENSUS OF UNSENTENCED PRISONERS BY CENSUS DATE AND PERIOD IN CUSTODY BETWEEN MOST RECENT RECEPTION AND CENSUS DATE WHERE PERIOD IN CUSTODY WAS 3 MONTHS OR MORE

CENSUS DATE	PERIOD IN CUSTODY AS AT CENSUS DATE					TOTAL 3+ MTHS
	(a) 3-< 6 MTHS	(b) 6-< 12 MTHS	(c) 12-< 15 MTHS	(d) 15- < 18 MTHS	(e)	
(i) 31/12/1995	27	32	5	5	3	72
(ii) 30/06/1996	30	17	11	7	4	69
(iii) 31/12/1996	31	31	5	4	9	80
(iv) 30/06/1997	52	19	8	3	7	89
(v) 31/07/1997	50	23	9	2	7	91
(vi) 31/08/1997	41	26	4	5	5	81

Data are available with the following qualifications only:

Note 1: Unsentenced prisoners includes all prisoners who were on remand (both waiting for trial and waiting for sentence), and those held pending extradition or deportation.

Note 2: Where a prisoner had been sentenced during the prison stay and subsequently became unsentenced, sentenced days were included.

#### DRUGS - DEATHS

##### *Number*

898. Hon MARK NEVILL to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) How many people have been killed by cannabis use in Western Australia since January 1, 1997?
- (2) What is the estimated percentage of cannabis users who have been killed during this period by using cannabis?
- (3) How many people have been killed by opiate use in Western Australia since January 1, 1997?
- (4) What is the estimated percentage of opiate users who have been killed during this period by using opiates?
- (5) How many people have been killed by heroin use in Western Australia since January 1, 1997?
- (6) What is the estimated percentage of heroin users who have been killed during this period by using heroin?
- (7) How many people have been killed by methadone use in Western Australia since January 1, 1997?
- (8) What is the estimated percentage of methadone users who have been killed during this period by using methadone?
- (9) How many people have been killed by ecstasy use in Western Australia since January 1, 1997?
- (10) What is the estimated percentage of ecstasy users who have been killed during this period by using ecstasy?

Hon E.J. CHARLTON replied:

- (1) There have been no deaths attributed to the use of cannabis since 1 January 1997 (based on available official determinations of causes of death).
- (2) Not applicable.
- (3) There have been a total of 40 deaths attributable to the use of opioids from 1 January 1997 to 30 June 1997, 3 of which are confirmed and 37 of which are yet to be confirmed by the coroner.
- (4) Not known.
- (5) There have been a total of 33 deaths attributable to the use of heroin from 1 January 1997 to 30 June 1997, 2 of which are confirmed and 31 of which are yet to be confirmed by the coroners.
- (6) Not known.
- (7) There have been no deaths attributable to the use of methadone since 1 January 1997 (based on available official determinations of causes of death).
- (8) Not applicable.
- (9) There have been no deaths attributable to the use of ecstasy since 1 January 1997 (based on available official determinations of causes of death).
- (10) Not applicable.

#### DRUGS - CANNABIS

##### *Medicinal Value*

899. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) Does cannabis have any medicinal value?
- (2) If yes, for what conditions is the use of cannabis considered beneficial?



Hon MAX EVANS replied:

- 1 The medical research literature indicates that delta-9-tetrahydrocannabinol (THC), the active drug in cannabis does have some potential therapeutic uses.
- 2 There is evidence that THC can be used to treat nausea and has been used as an effective anti-emetic agent for patients undergoing cancer chemotherapy and patients with AIDS. There is evidence that THC can reduce intraocular pressure and be used to treat glaucoma. THC also has anti-convulsant, anti-spasmodic, and bronchodilatory effects.

The usefulness of THC is limited by its side-effects which include its psychoactive or intoxicating effect, its capacity to produce acute psychiatric disorders and concern about its potential to suppress the immune system.

Other drugs are available to produce the same therapeutic effects as THC without the side-effects, and more research is required to establish the safety of the long-term use of THC.

#### FORESTS AND FORESTRY - SAWMILLS

##### *Survey*

905. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:
- (1) As part of the Regional Forest Assessment (RFA) process, is ABARE conducting a survey of sawmills in Western Australia?
  - (2) Is the survey being conducted in cooperation with the Forest Industries Federation of Western Australia (FIFWA)?
  - (3) Given that FIFWA represents the interests of the native forest sector of the Western Australian timber industry, is FIFWA an appropriate organisation for ABARE to work with to produce an unbiased report for the RFA?
  - (4) Is Conservation and Land Management (CALM) involved in the survey?
  - (5) If yes, how?
  - (6) Who designed the survey that is being conducted in Western Australia and who was consulted about the design of the survey?
  - (7) Will the survey examine just sawmilling, or will it also examine wood processing eg. particle board, veneer, furniture etc?
  - (8) Will the survey investigate the current situation and future potential of mills (and processing plants) that do not rely on native forest logs, including pine and bluegum mills (and plants)?
  - (9) Will the survey investigate the opportunities for those mills (and plants) that are currently based on native forest logs to change their operations to use non-native forest logs?
  - (10) Will the survey document sawmill closures in the past 20 years, and the number of workers laid off as a result?
  - (11) Will the survey produce a reliable set of data in relation to the actual current number of employees in the
    - (a) native forest sawmill industry;
    - (b) plantation-based sawmill industry;
    - (c) native forest wood processing industry; and
    - (d) plantation wood processing industry?
  - (12) If yes, will that data be published as part of the RFA?

Hon MAX EVANS replied:

- (1) Yes
- (2) Yes
- (3) FIFWA is not engaged in the collection, analysis or reporting of data collected in the survey.

- (4) Yes
- (5) CALM assisted ABARE with customising the Australia-wide generic survey questions to the WA industry and provided ABARE with the contact names and addresses of its log supply customers.
- (6) ABARE designed the survey and consulted with FIFWA, the Guild of Furniture Manufacturers, Bunnings Forest Products, CALM and the Department of Resources Development.
- (7) The survey samples the range of log purchasers, which includes some companies engaged in the manufacture of veneer, particleboard or medium density fibreboard. Furniture manufacturers have not been covered in this survey.
- (8) The survey requests supply and processing data for the total log intake of the mill/facility, with the source of the log purchase (native forest or plantation) recorded separately.
- (9) No
- (10) No - the survey aims to quantify the current industry structure.
- (11) (a)-(b) Estimates of the current sawmill employment will be provided in a manner which is consistent with the data confidentiality provisions of ABARE (which ensure that individual companies or sawmills cannot be identified).  
(c)-(d) Estimates of employment in the wood processing sectors will primarily be derived from data supplied by the Australian Bureau of Statistics.
- (12) The data will contribute to the economic assessment report.

CORONER'S OFFICE - COUNSELLORS

*Languages other than English - Number and Location*

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

With respect to the answer given to question on notice 764 of 1997 provided in the supplementary notice paper on August 26, 1997 -

- (1) How many trained counsellors are there at the Coroner's Office?
- (2) Of those trained counsellors how many speak a language other than English?
- (3) Of those trained counsellors who speak a language other than English and in each case what other languages are spoken and where are the counsellors stationed?
- (4) Will the Attorney General make an inquiry to ascertain whether difficulties have been experienced as a result of the information contained in the pamphlet being exclusively in the English language?
- (5) If so, will the Attorney General give consideration to producing the information in languages other than English?

Hon PETER FOSS replied:

- (1) 2.
- (2) None.
- (3) Not applicable.
- (4)-(5) It is a requirement of the Coroner's Act 1906 that certain information is provided to a next of kin of a deceased person as soon as practicable. The information required to be given is contained in a pamphlet which is provided to a next of kin by the attending police officer, who also explains its contents at that point. If required, the police officer has access to the interpreter service. Inquiries made have revealed no problem with this practice.

TOURISM - COLLIE

*Allocation of Funds*

907. Hon J.A. COWDELL to the Minister for Tourism:

- (1) What efforts is the Western Australian Tourism Commission ("WATC") making to boost the tourist industry in the Collie region?

- (2) How much did the WATC allocate to the Collie region in 1996/97?
- (3) How much has the WATC allocated to the Collie region in 1997/98?

Hon N.F. MOORE replied:

- (1) The Western Australian Tourism Commission (WATC) views Collie as an integral part of the South West and as such works very closely with the South West Regional Tourism Association (SWRTA). The SWRTA is the main marketing body for the region which is assisted by the WATC with both manpower and financial resources.

The WATC also has a dedicated Tourism Industry Development Manager servicing the South West region with regard to development issues.

- (2) As a town, Collie received \$15 368 in the 1996/97 year from the WATC under the provisions of the old Regional Tourism Policy 1994-1997. However as a region the South West received a total of \$204 859.
- (3) In 1997/98 there is a fundamental change in the way regional tourism is being funded. The WATC now makes an allocation to each of the ten (10) Regional Tourism Association (RTAs) around the State who in turn fund the tourist bureaux in their respective regions.

As a region the South West has been allocated \$224 035 in 1997/98, an increase of 9% on 1996-97. This is by far the largest allocation of any region in the State.

The amount apportioned to the Collie Tourist Bureau by the South West Regional Tourism Association in 1997/98 is \$9868.

#### HOSPITALS - COLLIE DISTRICT

##### *Budget*

910. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

- (1) What was the budget for Collie Hospital for 1996/97?
- (2) Has the budget for Collie Hospital for 1997/98 been finalised?
- (3) If so, what is the budget for 1997/98?
- (4) Have funding levels decreased in real terms?
- (5) If so, by how much have they decreased and in what areas?

Hon MAX EVANS replied:

- (1) The budget is \$5,495,600.
- (2) No, the Collie District Hospital budget has not been finalized to date, with negotiations on base funding continuing.
- (3)-(5) Not applicable.

#### STATE FINANCE - TOBACCO EXCISE

##### *\$30m Improperly Collected*

911. Hon KIM CHANCE to the Minister for Finance:

I draw the Minister's attention to reports that tobacco retailers and the State Government are accusing each other of holding approximately \$30m which has been improperly collected, and I ask -

- (1) Will the Minister inform the House what the facts are in this matter?
- (2) What steps is the Minister taking to ensure that this money, if improperly collected, is -
  - (a) returned to the manufacturers; or
  - (b) used to benefit the Western Australian public?

Hon MAX EVANS replied:

- (1) Tobacco manufacturers and wholesalers made windfall gains by trading at franchise fee inclusive prices in the weeks leading up to the High Court decision on 5 August 1997, but never having to pay those franchise

fees to the State Revenue Department. I understand that the tobacco companies also exploited the situation immediately after the High Court decision, before the Federal Government was able to replace State franchise fees with an increase in the Federal excise.

The benefit to the tobacco manufacturers and wholesalers is estimated to be at least \$30 million in Western Australia alone.

- (2) (a) Not applicable
- (b) The Under Treasurer has written to the Australian Competition and Consumer Commission asking them to examine the matter, including the possibility of the windfall eventually being returned to the consumers through lower tobacco prices.

#### FORESTS AND FORESTRY - REGIONAL FOREST AGREEMENT

##### *Assessment Stage - Extension of Time*

912. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) Has the Government requested an extension to the December 1997 deadline for the completion of the assessment stage of the Regional Forest Assessment ("RFA")?
- (2) If not, how will the social impact assessment phase be affected?
- (3) Will the Government be curtailing any aspects of community participation in the RFA process in order to meet the deadline?
- (4) It is argued that the strength of the RFA lies in the fact that communities are able to have a voice in the decision-making process. Is the Minister for the Environment aware that community groups have expressed concern that they are now being excluded from the RFA process?

Hon MAX EVANS replied:

- (1) No.
- (2) A comprehensive social assessment is being carried out for the RFA. This assessment includes post impact studies analysis, regional social profiling, social case studies and social impact assessment.
- (3) No.
- (4) Community groups have had and continue to have an unprecedented opportunity for involvement in all stages of the RFA process. The Minister is aware that some conservation groups have chosen to boycott the process. No other groups have expressed concern to Government officials about exclusion from the process.

#### QUESTIONS WITHOUT NOTICE

##### LEGAL AID - COMMISSION

##### *Funding - Re: K Decision*

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

When will the Government provide extra funding to the Legal Aid Commission so that it can comply with obligations imposed on it by the Family Court pursuant to the Re: K decision?

**Hon PETER FOSS replied:**

The Government already provides that funding. The interesting thing is that the Re: K decision relates principally to nuptial children. The member pointed out that it is a matter for federal jurisdiction. He is probably aware that the federal Attorney General has said the Federal Government will take full responsibility for the provision of legal aid funding to people who are dealing with commonwealth matters. It is not a matter for which I have ministerial responsibility. If the member has an interest in that question I suggest that he ask one of his colleagues in the Federal Parliament to ask that question of the federal Attorney General.

## HOMOSEXUALITY - SUICIDE RATE

*Counselling***846. Hon HELEN HODGSON to the Minister representing the Minister for Health:**

- (1) Is the Minister aware that 33 per cent of young lesbians and homosexuals have attempted suicide, according to a 1996 Western Australian study?
- (2) What counselling services, if any, do state government agencies provide for suicidal lesbian and gay youth, given the extraordinarily high suicide rate?
- (3) Does the Health Department fund the Gay and Lesbian Counselling Service, either directly or through the AIDS Council, to provide appropriate counselling?
- (4) Where are the funds formerly used to provide counselling by the GLCS now being used?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The specific study referred to in the question has not been identified. However, the available research indicates that the attempted suicide rate for young lesbians and gay men is higher than the general rate for youth. Research involving young people who identify as homosexual and bisexual has found that some 25 to 40 per cent report having attempted suicide. Two recent North American surveys of the general youth population have found that young men who are homosexually oriented are significantly more at risk for a serious suicide attempt than heterosexually oriented young men. The risk is between seven and 13.5 times greater. The survey, which also included young women, found no significant difference between those that were heterosexually or homosexually oriented.  
  
Only one equivalent Australian population-based survey is known. It found rural Australian high school students had a similar incidence of self-identified homosexual orientation; however, it did not ask about previous suicide attempts. It is likely that homosexually oriented Australian youth would attempt suicide at a higher rate than their heterosexually oriented peers.
- (2) There are no government services which focus exclusively on suicidal lesbian and gay youth. These young people have access to all mental health and other counselling and support services for young people in the State. Services of most relevance to these young people include specialist mental health services, state funded suicide prevention initiatives and a range of supports offered by agencies such as Family and Children's Services and the Education Department.
- (3) No. The Gay and Lesbian Counselling Service and the Western Australian AIDS Council receive funding under the national youth suicide prevention strategy to address the needs of gay and lesbian youth at risk of suicide.
- (4) The Health Department funding for HIV and AIDS is directed towards prevention of the spread of illness and treatment.

## POLICE - INFORMATION AND SURVEILLANCE

*Community Groups and Members of Parliament***847. Hon GIZ WATSON to the Attorney General representing the Minister for Police:**

I refer to the recent revelations that the Victorian police had kept, and are still keeping, secret databases and documents on 1 200 people from a wide range of community groups and members of Parliament.

- (1) Can the Minister for Police advise whether any branch of the Western Australia Police Service maintains general information on -
  - (a) any community group;
  - (b) any political group;
  - (c) any gay group;
  - (d) any environmental group; or
  - (e) any member of Parliament?

- (2) Can the Minister for Police advise whether any branch of the Western Australia Police Service maintains surveillance on -
- (a) any community group;
  - (b) any political group;
  - (c) any gay group;
  - (d) any environmental group; or
  - (e) any member of Parliament?
- (3) Can the Minister for Police advise whether any branch of the Western Australia Police Service proposes any policy or directive to maintain general information on, or to maintain surveillance on -
- (a) any community group;
  - (b) any political group;
  - (c) any gay group;
  - (d) any environmental group; or
  - (e) any member of Parliament?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) (a)-(d) Yes, for general liaison purposes only.
- (e) Yes, some personal particulars are maintained on members of Parliament and their families at the protective services and counter terrorist intelligence unit so that appropriate protection may be offered to state Ministers and members of Parliament should an incident arise where their security or safety is, or is likely to be, breached.
- (2) No. However, should any group or individual be identified as offending, or likely to offend, against the laws of Western Australia, the Police Service will monitor and police those activities as circumstances dictate.
- (3) No. There is no policy or directive to the Western Australia Police Service from the Government in relation to policing special groups or individuals. However, should any group or individual be identified as offending, or likely to offend, against the laws of Western Australia the Police Service will monitor and police those activities as circumstances dictate.

CRIMINAL LAW (MENTALLY IMPAIRED DEFENDANTS) ACT 1996 - OPERATION

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

I refer to the Chief Justice's call for urgent reform in the area of mental illness and the criminal law, recorded in *The West Australian* of 2 October 1997. When will the Criminal Law (Mentally Impaired Defendants) Act 1996, assented to on 13 November 1996, come into operation?

**Hon PETER FOSS replied:**

The date has been fixed, but the precise date eludes me. I think it is 14 November. It was always intended that there be a lengthy period before its introduction. It was even suggested that a longer period was required. I insisted upon the legislation coming into operation as soon as possible because it has long been necessary for it to come into operation.

TRANSPORT - BUS

*Maintenance Checks*

**849. Hon LJILJANNA RAVLICH to the Minister for Transport:**

Given that private bus operators are contractually responsible for fleet maintenance, I ask -

- (1) What checks are made to ensure that maintenance is regularly carried out?
- (2) By whom are the maintenance checks conducted?

- (3) How frequently are the maintenance checks conducted?
- (4) What regulatory mechanisms are there, if any, to ensure that private bus operators who do not have their buses or fleet maintenance checked are brought into line?
- (5) Have any private operators been found guilty of not having their buses or fleet maintenance checked, and if so, how many?
- (6) What action has been taken?

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

I thank the member for some notice of this question.

- (1)-(3) The vehicles are inspected by the operators every 15 000 kilometres. They check for body deficiencies, oil leaks and any chassis deficiencies as well as safety items associated with body and chassis. Maintenance checks are carried out by the operators.
- (4) The transport licensing section ensures that maintenance checks are carried out and a Department of Transport officer monitors the operators to see that they are carrying out their work.
- (5) No.
- (6) Not applicable.

POLLUTION - CONTAMINATED SITES

*Omex - Identification of Polluter*

**850. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:**

- (1) Has the person or organisation responsible for the pollution at the Omex site been identified, and if so, who is that person or organisation?
- (2) Is the Government seeking repayment of the taxpayers' funds expended on the cleanup of the site from the polluter, and if not, why not?
- (3) If so, what action is it taking for the recovery of those funds?
- (4) Has the Government purchased or will it purchase any nearby property to compensate residents affected by the pollution; if so, can the Minister explain why and give details of the payments?
- (5) Are these payments included in the \$6.9m payout recently announced by the Government?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) During the period that waste disposal on site was taking place, the site was controlled by Western Oil Refining Company Pty Ltd. That company was renamed Western Oil Company Pty Ltd, and then Omex Petroleum Pty Ltd. It is now called Jodetta Pty Ltd.
- (2) The Government is exploring and will continue to explore every legal avenue to ensure that those parties responsible for the contamination of the Omex site contribute to the clean up of the site.
- (3) All legal avenues are being explored.
- (4) The safety of residents is a priority for the Government, and the issue of temporary or permanent relocation during this operation will be addressed as part of the environmental assessment that will be conducted for this site clean up.
- (5) All projected costs associated with implementing a full clean up of the site have been included in the \$6.9m clean up figure.

TRANSPORT - BUS

*Private Operators - Maintenance Payments*

**851. Hon TOM STEPHENS to the Minister for Transport:**

- (1) What is the total amount paid by the Department of Transport on maintenance and/or refurbishment of buses

used by each of the private bus contractors in -

- (a) 1996-97;
  - (b) since 1 July 1997?
- (2) Were all these payments made pursuant to contractual warranties held by the private bus contractors?
  - (3) What sums were paid by the department on MetroBus vehicles for similar work in the same period?

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

I thank the member for some notice of this question.

- (1) (a) In 1996-97 Transport spent a total of \$3m in refurbishing the fleet.  
(b) Since July 1997 Transport has spent approximately \$1m in refurbishing buses used by the private contractor.
- (2) No.
- (3) Work was funded by MetroBus.

#### HEALTH - ATTENTION DEFICIT DISORDER

##### *Adults - Recognition and Research Funding*

**852. Hon NORM KELLY to the Minister representing the Minister for Health:**

- (1) For how long has adult attention deficit disorder been recognised as a condition by the Health Department?
- (2) How many people in Western Australia are estimated to suffer from adult ADD?
- (3) What amount of funding has the Health Department provided, either by itself or in conjunction with other bodies, for research into this condition?
- (4) Does the Health Department provide education and support services for adult sufferers of ADD?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question and ask that the question be put on notice.

#### TRANSPORT - BUS

##### *Patronage Levels*

**853. Hon BOB THOMAS to the Minister for Transport:**

The Minister referred in his press release dated 5 October 1997 to increases in bus patronage since privatisation.

- (1) Can the Minister detail the source of the figures and how they were obtained, and table the research on this?
- (2) Has there been an increase in MetroBus usage during this period; if so, what is the extent of that increase?

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

I thank the member for some notice of this question.

- (1) The sources for the bus patronage figures are the records taken from the ticketing equipment on board buses. The patronage figure is compiled from the record of cash ticket sales from the electronic ticketing machines and the record of cancellations - on first boarding - and validations - on transfer - of the magnetic stripe tickets on the ticket validating machines. The drivers manually record the transfers made on cash tickets.
- (2) Total bus boardings in 1996-97 amounted to 47.2 million. Boardings on MetroBus services were 29.6 million, which is about 63 per cent of all boardings. While MetroBus was responsible for all bus services in 1995-96 with the exception of the Midland contract area, for most of 1996-97 it operated around half the services. Therefore, it is not possible to make a like for like comparison of its performance over the two years. However, as the overall increase occurred throughout the Transperth operating area, it is reasonable to assume that MetroBus too would have recorded an increase in boardings.



## ENVIRONMENT - KEMERTON INDUSTRIAL PARK

*Disposal of Hazardous Wastes***854. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:**

- (1) Where will the future hazardous wastes from the proposed expansion of the Kemerton industrial park be disposed?
- (2) Will a comprehensive hazardous waste disposal plan form part of the report into the Kemerton expansion due to be released in the near future?

**Hon MAX EVANS replied:**

I do not have notice of that question.

## RAILWAYS - WESTRAIL

*Private Bus Operators - Personnel Information***855. Hon E.R.J. DERMER to the Minister for Transport:**

- (1) Will the Minister confirm that Westrail Request for Proposal No 47/97 for the provision of buses in the event of disruption to train services includes a requirement for private bus companies seeking this work to provide information about the personnel to be used for this service?
- (2) For what purpose does Westrail require information about personnel beyond the confirmation that the personnel are appropriately licensed to perform the service required?
- (3) What specific information about these personnel is Westrail seeking?
- (4) Is Westrail's requirement of this information a general policy for the personnel of companies contracted to work for Westrail or is it a requirement specifically of Request for Proposal No 47/97?
- (5) Is it expected that private bus companies will be required to forward to Westrail the resumes of each of their personnel to be used for these services?

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

I have the answer to another question from Hon Ed Dermer. I have seen that question today, and I have ticked it off as being ready for answer, but it does not appear to be in my file. I will check during the proceedings to see whether I can make that available.

## HEALTH - BUNBURY REGION

*Doctor Shortage***856. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) Is the Minister aware that a recent survey has shown that there is an acute shortage of doctors in the Bunbury region, as outlined in the *South Western Times* of 9 October?
- (2) If yes, can the Minister outline the steps he has instigated to overcome this problem?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. The Minister for Health has provided the following response -

- (1) Yes; shortage is not acute but longstanding.
- (2) Have had two surgeons retire; have covered this by obtaining the services of three surgeons.  
Two new gynaecologist and obstetricians in the last two years.  
In the mental health area - recruiting a psychiatrist from overseas.  
Director of medical services - position is being advertised at present.  
Two orthopaedic surgeons - advertising currently throughout Australia.

GOVERNMENT CONTRACTS - APPRENTICES

*Tendering Policy*

**857. Hon HELEN HODGSON to the Minister representing the Minister for Works:**

- (1) Does Contract and Management Services have a policy requiring contractors tendering for contracts to employ a set number of apprentices?
- (2) If so, under this policy what number of apprentices is the contractor required to employ for each contract awarded?
- (3) Does the policy ensure that the ratio takes into account the number of contracts for which the contractor is currently tendering or which the contractor holds?
- (4) Does CAMS ensure that apprentices are in fact engaged on contract sites?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes. Tendering policy gives preference to tenderers who employ apprentices.
- (2) Tenderers are required to employ specified numbers of apprentices for contracts above specified thresholds. The number of apprentices to be employed is based on the tender estimate for the work, and I seek leave to table a copy of the schedule.

Leave granted. [See paper No 865.]

- (3) No.
- (4) No. Contractors are required to employ the apprentices for the duration of the contract, and CAMS confirms this with Department of Employment, Education and Training records. To require them to be employed on the specific site for the duration of the contract is unworkable.

Note: The policy is under review and is likely to be significantly altered to reflect current industry needs.

POLICE - BRENNAN CASE

*Unanswered Questions*

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

I refer the Minister to the matter of Brennan and stolen vehicles suspected of being involved in a drug racket.

- (1) Why has it taken over two years to answer these questions?
- (2) What impediments are there to answering them now?

**Hon PETER FOSS replied:**

I think most of the unanswered questions have been cleared from the Notice Paper. If any questions are outstanding, I would like them to be drawn to my attention.

HOMOSEXUALITY - SUICIDE RATE AND DISCRIMINATION

**859. Hon GIZ WATSON to the Minister representing the Minister for Youth:**

- (1) Is the Minister aware that research indicates that one-third of young people who attempt suicide do so as a result of homosexual identity?
- (2) Is the Minister aware that drug and alcohol abuse appears to be more prevalent among young lesbians and gay men than among heterosexual youth?
- (3) Is the Minister aware that antihomosexual harassment has been found to contribute to higher rates of school drop out for young gays and lesbians?
- (4) Is the Minister aware that sexually active gay males between the ages of 16 and 21 are considered criminals in Western Australia and can face five years in gaol for consenting sex in private?
- (5) Is the Minister aware that no legislation exists in Western Australia to prevent discrimination against homosexual people in the areas of employment, housing and the provision of goods and services?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(3) I understand that there are some data in these areas, but I am advised that more research is necessary before any firm conclusions can be drawn.
- (4)-(5) Yes.

WATER RESOURCES - POLLUTION OF WATERWAYS BY TOURISTS

**860. Hon TOM HELM to the Minister representing the Minister for Water Resources:**

- (1) Is the Minister aware of calls by Kununurra tour operators for tougher penalties for tourists who pollute rivers?
- (2) Is the Minister concerned about the damage being done to Western Australian waterways by tourism?
- (3) If so, is the Minister proposing to take any action to protect our waterways from careless tourists?
- (4) If not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Yes.
- (3) The Waterways Conservation Act and the Swan River Trust Act provide some regulatory powers over the activities of tourists using our waterways. Officers of the Water and Rivers Commission and the Swan River Trust have powers to issue infringement notices to individuals or organisations who are causing damage to declared waterways. The Swan River Trust is working with the tourism industry to better manage the impacts of tourism on the river. The Water and Rivers Commission and the Swan River Trust are increasing campaigns to educate the public and to generate high community awareness of the need to ensure our waterways are protected from a range of activities, including tourism.
- (4) Answered by (3).

LIQUOR - LICENCES

*Metropolitan and Country Areas*

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

- (1) How many new liquor licences have been granted this year in the metropolitan area and country areas?
- (2) What is the break-up of liquor licences granted this year, according to the different categories in the industry?
- (3) How many licences have been granted to Liquorland Australia (WA) this year?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) 125 new liquor licences have been granted in the metropolitan and country areas since 1 January 1997.

Category A

Special facility	25
Hotel	2
Hotel restricted	-
Tavern	2
Cabaret	1
Liquor store	17
Total	47

## Category B

Restaurant	40
Club	4
Club restricted	12
Producer beer	-
Producer wine	4
Wholesaler	12
Exempted producer	6
Total	78

- (3) Five liquor store licences have been granted to Liquorland (Australia) Pty Ltd since 1 January 1997.

## POLLUTION - CONTAMINATED SITES

*Identification of Polluters - Payment for Clean-up***862. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:**

- (1) Which of the toxic sites requiring remediation have been identified as having -
- (a) an unknown person or organisation responsible for the contamination;
  - (b) a known insolvent or deceased person responsible for the contamination; and
  - (c) a discontinued or insolvent company responsible for the contamination?
- (2) How many toxic sites have identified polluters who are still financially viable?
- (3) Will these polluters be requested to pay for the clean-up of these sites?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The information required to answer this question is not available to the Government at this time. This information will be obtained through the implementation of the contaminated sites arrangements outlined in the recently released position paper.
- (2) Many sites that have been identified as being contaminated have financially viable owners, and many of those sites are voluntarily remediated by those owners. It is not possible, however, to give a breakdown of figures regarding this issue, for the same reasons as outlined in (1) - the figures are simply unavailable at this time.
- (3) The Government is committed to ensuring that whenever possible the people responsible for creating contamination are responsible for remediating it.

## RAILWAYS - WESTRAIL

*Private Bus Operators - Personnel Information***863. Hon E.R.J. DERMER to the Minister for Transport:**

- (1) Will the Minister confirm that Westrail Request for Proposal No 47/97 for the provision of buses in the event of disruption to train services includes a requirement for private bus companies seeking this work to provide information about the personnel to be used for this service?
- (2) For what purpose does Westrail require information about personnel beyond the confirmation that the personnel are appropriately licensed to perform the service required?
- (3) What specific information about the personnel is Westrail seeking?
- (4) Is Westrail's requirement of this information a general policy for the personnel of companies contracted to work for Westrail or is it a requirement specifically of Request for Proposal No 47/97?
- (5) Is it expected that private bus companies would be required to forward to Westrail the resumes of each of its personnel to be used for these services?

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

I thank the member for some notice of this question.

- (1)-(5) Information about the proponent's personnel to be used for the services was sought in the tender document. However, that item was incorrectly included and receipt of that information was not pursued by Westrail.

#### HEALTH - BUNBURY HEALTH SERVICE

##### *Breach of Recruitment Standards*

**864. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

The Commissioner for Public Sector Standards has found that the Bunbury Health Service breached public sector recruitment standards in making two recent appointments.

- (1) What were the two positions where recruitment standards were not adhered to?
- (2) Have the positions now been filled; and, if so, by whom?
- (3) What steps is the Minister taking to ensure there is an improvement in these standards?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The positions were Clinical Nurse Specialist - Continence Adviser - ANF Level 3, and Clinical Nurse - Critical Care - ANF Level 2.
- (2) Both positions have been filled following re-advertising of the positions. The positions have been filled by the applicant who was originally recommended for appointment, and in both cases the recommended applicant was the only applicant for the position following re-advertising.
- (3) The processes for selection and recruitment have been reviewed in accordance with the recommendations of the independent reviewer. The human resource department of the Bunbury Health Service has liaised with Nursing Services in updating the documentation to ensure that all procedures are correctly followed. Nurse managers have been given awareness raising on the procedures that need to be followed in the recruitment and selection process. The human resource department is currently revising and updating all policy and procedures including recruitment and selection, and there will be education sessions through the Health Service in conjunction with the issue of new manuals.

#### YOUTH - YOUTH ADVISORY COUNCIL

##### *Homosexual Representation*

**865. Hon GIZ WATSON to the Minister representing the Minister for Youth:**

- (1) How many gay and lesbian youths are represented on the Youth Advisory Council?
- (2) How many gay and lesbian youth organisations are represented on the Youth Advisory Council?
- (3) If there are no gay and lesbian youths and no gay and lesbian youth organisations represented on the Youth Advisory Council, given the serious issues that confront homosexual youth in Western Australia can the Minister please explain why?
- (4) What other action has the Minister taken to address specific problems facing gay and lesbian youth in Western Australia?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) I do not know.
- (2) Nil.
- (3) Young people will elect the members of the Youth Advisory Council regardless of sexual preferences.
- (4) Projects initiated in the Youth portfolio are in the context of activity to support all young people in Western Australia.

ROADS - MAINTENANCE CONTRACTS

*Buckeridge Group of Companies - Costs*

**866. Hon KIM CHANCE to the Minister for Transport:**

- (1) Have concerns been raised by Main Roads staff concerning blow-out under the Buckeridge Group of Companies' road maintenance contracts?
- (2) Have these concerns resulted in an internal audit being undertaken in respect of these costs being claimed by BGC?
- (3) Are the sums claimed by BGC to date under the contract more than budgeted for the same period?
- (4) Will the Minister provide details of sums budgeted for under this contract?

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

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3)-(4) As at 19 September 1997, \$5.277m has been paid. On this basis 24 per cent of the contract amount has been paid in 40 per cent elapsed time. As the member will see, payments made to date are less than pro rata. This results mainly from less work being required of the contractor than initially expected.

WORKSAFE WESTERN AUSTRALIA - TAXIS

*Installation of Safety Screens*

**867. Hon E.R.J. DERMER to the Minister for Transport:**

I refer to the Minister's advice to this House on 26 March 1997 that WorkSafe WA had been consulted on the issues of a safe workplace in relation to taxis and that WorkSafe said that it would not prescribe what constitutes a safe workplace.

- (1) Can the Minister confirm the report in *The West Australian* of 22 September 1997 that he has rejected a call from WorkSafe WA for the installation of safety cages for the protection of taxi drivers?
- (2) If so, why has the Minister rejected this call from WorkSafe WA?

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

I thank the member for some notice of his question.

- (1)-(2) WorkSafe WA has expressed the view that safety screens should be fitted to taxis. I am not opposed to the fitting of safety screens in taxis and would be happy to see owners install approved screens if they wish to provide an additional safety measure for their drivers. However, the major recommendation from the Taxi Driver Safety Summit held last year was for all taxis to be fitted with surveillance cameras. The process of fitting cameras into Perth's taxi fleet is currently under way, and it is expected to be completed by Christmas.

I recently discussed taxi driver safety with the WorkSafe WA Commissioner and he agreed that it is appropriate to firstly monitor over the next year the impact of the installation of surveillance cameras in Perth taxis before pursuing screens. That is on a total industry basis, but every taxi operator is free to install any safety initiative, including screens, they so wish.

INDUSTRIAL ESTATES - OAKAJEE

*Impact on Abrolhos Islands*

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

- (1) What assessments in relation to the Oakajee port, industrial estate and steel mill projects are yet to be completed or commenced?
- (2) Have any of the studies investigated the possible impacts of the projects on the Abrolhos Islands marine environment?

- (3) If yes, which studies and what were their findings?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) In relation to the Oakajee project, industrial estate and steel plant, the following projects have been referred to the Environmental Protection Authority: The Shire of Chapman Valley TPS No 1, Oakajee industrial estate and buffer area. Experimental review required. This was assessed under section 48A of the Environmental Protection Authority Act. The level of assessment was advertised on 27 September 1997.
- Narngulu to Oakajee rail service corridor - Shires of Chapman Valley and Greenough. This was a consultative environmental review. The level of assessment was advertised on 4 October 1997.
- Oakajee limestone quarry, Oakajee: Referral received on 25 September 1997. Level of assessment is not yet determined.
- (2) No specific studies of the possible impacts of the development of the Oakajee port and industrial area on the Abrolhos Islands have been considered necessary. It should be noted that coastal shipping routes are well designated and are similar to those for both the existing Geraldton Port and the port proposed for the Oakajee area. Industry assessed for the Oakajee industrial estate will not discharge treated waste waters or cooling waters to either the near shore marine environment or land by irrigation.
- (3) Not applicable.
-