



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Thursday, 27 November 1997

# Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 11.00 am, and read prayers.

## **PETITION - PUBLIC SERVICE**

Hon Ljiljanna Ravlich presented the following petition bearing the signatures of 49 persons -

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

We the undersigned public sector workers and members of the community request that the Council support the amendments to the Public Sector Management Act that provide job security for public sector workers by:

- regulating the level of contract workers in the public sector
- causing a Standard that would ensure that permanent appointments are made except in those circumstances where the work is not ongoing
- requiring adequate reporting for external contracting out of government services and
- ensuring public sector employees are not forced into the private sector against their will.

Furthermore your petitioners respectfully request that the Legislative Council in Parliament assembled strongly oppose the introduction of involuntary redundancy for public sector workers.

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

[See paper No 1119.]

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

### *Twenty-ninth Report - Weights and Measures Exemptions Regulations*

Hon N.D. Griffiths presented the twenty-ninth report of the Joint Standing Committee on Delegated Legislation on the Weights and Measures Exemptions Regulations 1997, and on his motion it was resolved -

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

[See paper No 1120.]

## **STANDING COMMITTEE ON PUBLIC ADMINISTRATION - THIRD REPORT**

### *Distribution Adjustment Assistance Scheme*

Hon Kim Chance presented the third report of the Standing Committee on Public Administration in relation to the Distribution Adjustment Assistance Scheme, and on his motion it was resolved -

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

[See paper No 1121.]

## **MOTION - STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

### *Salinity in Western Australia*

Resumed from 26 November.

**HON J.A. COWDELL** (South West) [11.05 am]: I will conclude my comments on this motion. Yesterday I argued that Parliament, through its Standing Committee on Ecologically Sustainable Development, needs to have a role and to report regularly to inform this Chamber of what is going on. My argument was for a partnership and I pointed out the obvious importance of the issue as brought to members' attention in recent times by not only the media, but also the academic journals, the Conservation Council of Western Australia and informed opinion. The second reason I touched upon the need for regular monitoring was the necessity to make sure that the salinity problem was appropriately addressed, and continued to be appropriately addressed as an area of government priority. This is clearly signified by the funds that should be allocated to arrest the spread of this problem. I highlighted some of the problems in this regard; for example, the rubbery figures, the doubtful projections and the probable lack of sustainability in funding. Over the next 30 years \$3 billion was mentioned by the Government, but it has put forward projections of an average of \$100m a year for the next 10 years.

I also pointed out that not only is there a likelihood that finances would not materialise over the next few years, but also there is a problem with federal finance and support. At that stage I had not read an article that appeared in yesterday's *The West Australian* under the heading, "Worries raised on landcare funding" which highlighted the point I was making about federal fiscal commitment. The article states -

The Federal Government's key advisory body on landcare has questioned the long-term viability of the Government's \$1.25 billion Natural Heritage Trust fund and attacked cutbacks to funding of public agencies.

The 1996-97 National Landcare Advisory Committee annual report, tabled yesterday, also shows that the committee could not meet for eight months - a period in which decisions were taken on trust-funded landcare programs - because the Government did not appoint enough members for a quorum.

The NLAC said it was encouraged by preparatory work on trust programs last year, but worried about the funding of future programs.

The landcare advisory committee pointed out that there is likely to be only a five year effective life of the trust and the trust was unsustainable. The newspaper article quotes the report as follows -

And it is all too readily apparent that the interest earned on the nominated \$300 million capital base remaining in the proposed National Heritage Trust of Australia reserve will not provide sufficient operating expenditure to support environmental protection, natural resources management projects and ongoing development of sustainable agriculture.

That is a matter of real concern. This problem must be brought forward constantly to maintain a level of priority and to ensure the funding contribution from the State and the Commonwealth is maintained.

We need a committee to monitor and assess governmental performance on a range of issues including the performance of the Cabinet committee, the effectiveness of the peak council or whether we need a new peak council with some statutory base, what level of strategic coordination is taking place between the Government, the peak council and the other non-government bodies, and what strategies are being adopted and whether they are appropriate strategies.

I come to this situation merely as an outside observer following reports in the media. Having followed the issue in that regard my concerns are considerable, and it is appropriate that one of our standing committees should monitor this situation. The issues raised in just the past few weeks in the newspapers include whether the State Salinity Council should assume greater responsibility for natural resource management, and whether that body has the expertise, power, statutory backing or community support that is appropriate for that role; whether the council needs statutory authority; whether the council members represent an appropriate range of opinions - in particular, a conservation perspective; and whether the council has managed to engender sufficient community support. I notice the comments of State Salinity Council chairman, Alex Campbell, who is quoted in the media as saying that the council may need legislation in the future; but five statutory groups charged with sustainable resource use were represented on the council. The chairman was asked a relevant question on where the council will go. He stated that the council had performed less than well but that had made it highly motivated to work better this next year. That is a clear indication that we must monitor what is going on there.

We have reports of concerns from farmers. A report in *The West Australian* headed "Salt plan 'failure with farmers'" reads -

Farmers had no confidence in the Court Government's \$3 billion salinity action plan because they had not been consulted in its preparation, a landcare conference was told yesterday.

The article quotes a Duranillin farmer.

Hon E.J. Charlton: He does not speak on behalf of farmers. He is wrong.

Hon J.A. COWDELL: No, but he has some concerns. The article states -

Mr Cochrane said that farmers' duty of care for natural resources should be stated in legislation.

"Most people realise that they have a duty of care but on my farm I will probably be under water in 10 to 15 years if the people around me do not also take the right action," he said.

In this article Blackwood Catchment Coordinating Group chairman David Reid also expressed a fear that the Federal Government's natural heritage trust would be wasted. He stated -

I am fearful that unless we can get the funds on to the ground in a strategic way, a large proportion of the funds will either be wasted or miss their mark.

There was also concern that the WA land care movement seemed to have rejected a state government offer to help set up an independent umbrella group to represent landcare committees on the State Salinity Council and the problems of coordination in that regard. Concerns were also expressed, once again by Alex Campbell, with respect to the funding of individual projects. Mr Campbell said that the projects that were approved for the next financial year were approved in less than ideal circumstances. He said that the state assessment panel had been under enormous pressures to meet deadlines since the \$1.25b trust was created last year as part of the sale of Telstra. A report in *The West Australian* in August states -

Last week it approved 377 new and continuing projects for 1997-98 . . .

Usually the panel would have several weeks to examine proposals from Government departments to assess their merit and rank them against other projects.

But on the last day of a panel meeting last week, the Conservation and Land Management Department and Agriculture WA presented revegetation projects worth more than \$47 million over three years.

CALM also applied for money for pine farm forestry experiments on 500,000ha of farmland in the medium rainfall zone.

These are matters of concern with respect to the efficacy of the particular strategy and how the problem is being tackled. Just that public indication of the problems would seem to warrant some monitoring and some assurances given to Parliament.

We are aware of CALM's pivotal role in this regard. There must be some doubt as to whether CALM, particularly through its earning capacity, will be able, over a 10 year period, to sustain the pivotal role that it is proposed that CALM will play. Funds will be short and if we do not look out other priorities will arise. Already CALM has been embroiled in a war of words as to whether appropriate assessments have been made on some of its forest clearing projects and the effect on the south west streams.

Hon Peter Foss: Do you not think you should be taking a positive view to see what is going right and encouraging that? Do you not think you should do something positive? You have not mentioned it as one of the things to do.

Hon J.A. COWDELL: Certainly, Minister. I am proposing that we take the positive step of requiring a regular report from the relevant standing committee to show that Parliament is interested in the ongoing advancement of this.

Hon Peter Foss: You are not looking at the good things and encouraging things.

Hon J.A. COWDELL: I would have thought the fact that the Parliament was interested enough to receive a regular report on this matter -

Hon Peter Foss: You have been going on the negatives as a justification. I thought highlighting the positives would be part of your role as well.

Hon N.D. Griffiths: The Minister should stop carping.

Hon J.A. COWDELL: I have read the reports of the meetings of the State Salinity Council. One cannot get much more positive than that. I did enjoy reading those, although the rhetoric was almost Stalinesque: "From glorious victory to glorious victory!" and with statements such as "another great achievement", and "27 achievements this afternoon" and so on. I read all those and, if taken at face value, it can be assumed that everything is totally under control, and glorious advancements are being made. I am pointing out that advances are being made and it is a priority at the moment.

Hon Peter Foss interjected.

Hon J.A. COWDELL: However, there is a very real threat to this initiative in terms of a State Government losing interest. Certainly the Commonwealth is likely to lose interest before the State does.

Hon N.D. Griffiths: They never had any.

Hon J.A. COWDELL: Perhaps it never had any. As I pointed out there is a lack of sustainability of commonwealth funding. CALM has a pivotal role, which means that Dr Shea has a pivotal role. Of course, Dr Shea can get things done when he wants to, such as harvesting timber, saving little furry animals, and wiping out feral cats. However, we have yet to see Dr Shea's commitment and credentials in this regard.

Hon Peter Foss interjected.

Hon J.A. COWDELL: He has pointed out a very interesting strategy, and in Monday's edition of *The West Australian* is quoted as saying that it was only in the past year that the true scale of the salinity problem had become evident.

Hon Peter Foss interjected.

The PRESIDENT: Order! The former Minister for the Environment will have his opportunity to speak later.

Hon J.A. COWDELL: I find that a surprising statement from the executive director of CALM. He made some interesting comments -

Hon Peter Foss interjected.

The PRESIDENT: Order! Hon John Cowdell has the floor. I ask members not to interject.

Hon J.A. COWDELL: Those comments lead one to wonder about how effective a role CALM will pursue. Dr Shea is quoted as saying that no matter how much money the State Government threw at the problem, it would never be enough. The implication is that the Government should not bother about spending too much. Dr Shea then commented on his fundraising ventures, as follows -

"We get criticised because we tend to hammer the generating of wealth but I just don't think we are going to solve conservation problems, certainly salinity, unless we can generate more funds out of the solution.

"We have become a nation of grant seekers and we have got to make it profitable to be conservationists."

I am interested to see Dr Shea's strategy in this regard. I certainly think there should be a parliamentary committee to keep a check on the strategy being adopted and to see what is happening. Only last year when I was inquiring into CALM's activities in this regard, the response I received did not fill me with confidence. In the middle of 1996 I asked what CALM funds had been appropriated to combat the salinity problem in 1996-97. I received the following answer -

CALM does not specifically record expenditure to combat salinity. Reduction of salinity is one of a number of objectives of tree planting activities by CALM. An approximate estimate of \$4m per annum has been made for the proportion of expenditure that can be related to salinity.

I hope CALM can lift its game beyond that sort of off-hand response. I hope it can quantify that and report positive progress to Parliament.

Of course, projections have been made as to the level of revegetation which is necessary. It is suggested that over 10 years, 100 million trees will need to be planted, with an additional 30 to 60 million a year to replace the ageing vegetation. The scale of revegetation so far has been less than 10 per cent of the rate required to stop salinity. These are real issues encompassing the coordination of the various agencies, the strategies that should be adopted, the role of CALM, the role of Greening Australia, and the level of revegetation required.

It is necessary for the issue to be monitored, because it is so important. The Government must make sure that priority is maintained in this regard. That priority was not evident two or three years ago, but it is at the moment and it needs to be maintained. The funding sources are altogether shaky. Reports must be made of progress, both successes and failures, and the appropriate bodies need to know that Parliament is interested in this, and that regular reports on this matter will be made to this Chamber.

**HON M.J. CRIDDLE** (Agricultural) [11.27 am]: The action plan put in place by the Government is an attempt to fix the problem of salinity. Everybody is aware that approximately 9 per cent of Western Australian agricultural land is currently affected by salinity, and that figure is increasing at a rapid rate. Farmers are well and truly aware of the problem, as are others. Farmers are making a genuine attempt to get on top of the problem. The assistance from the Government in this package will represent only part of the funds necessary, and it is totally wrong to suggest people are not dinkum about getting on with the job.

Over the years farmers have certainly got stuck into the idea of farm trees. Farmers have changed their whole attitude to the way they farm, and there is a genuine need to turn towards commercial environmental care; that is, the use of all trees. Crops are growing far better now, and there is a minimum tillage regime. That has done a great deal for the farming industry across the board. Farmers have moved from lighter crops in the drier areas and are starting to produce higher returns, which can be attributed in part to minimum or no tillage with one pass. They are adopting a deep ripping regime which allows the roots to hold the soil together. Growing better crops takes more water out of the soil. We all are aware that the water table is rising in some areas and these adjustments must be made to the way land is farmed. Not only is that being done, but also there is a tagasaste regime in the midlands. That has increased the grazing capacity, and will draw further from the water table. That puts beyond doubt whether we can cope with the rising water table.

I was recently involved in a land care conference in Geraldton, and helped organise it from my office. It was one of the most refreshing conferences I have ever been to. The people who attended were all abuzz about how they could go about addressing these issues. They do not really want too much interference. This motion talks about reviewing the issue every three months. It shows no understanding of the problem because land care solutions will occur over a long time. It is no good looking at just three months. Once again, we will all be running around checking on what is going on out there and no-one will be doing anything. We need those funds on the ground. I have some problems with looking at these issues every three months. I understand my colleagues will seek to move an amendment a little later suggesting that the reporting should be done every 12 months at least. I well and truly understand -

Hon J.A. Cowdell: How long do you suggest?

Hon M.J. CRIDDLE: I prefer 12 months. Members will also be aware that in the salinity action plan the chief executive officers of the groups are responsible for the funding package. On page 31 the report confirms that the chief executive officers of Agriculture Western Australia, the Water and Rivers Commission, the Department of Conservation and Land Management and the Department of Environmental Protection have that responsibility. They certainly will have to justify the way in which the money is spent. There will be a check and a balance process. Our committee, which has plenty of work to do, will have the opportunity to check on these issues. A monitoring evaluation is effected through this salinity action plan at three year intervals. That will be one of the responsibilities which the State Government will carry out. I am fearful that, once again, farmers will be faced with having to check these matters and nobody will put the money on the ground.

I mentioned the work being done. One of the big initiatives that could be used, as well as carrying out this commercial environmental care, is to base land care on profitability for farmers. It is no good talking about putting actions in place if the farmers go broke in the process. I have talked about farm trees and oil producing trees - that is, ti-tree and eucalyptus - which have some potential. I also talked about the blue gums being farmed in the south west. Members of the Standing Committee on Ecologically Sustainable Development have recently visited the south of the State and had the opportunity of looking at that. The Japanese think blue gums are prime chipping material, so there is a real possibility of getting some value out of that timber.

There is an opportunity with tagasaste in the midlands, which Hon Murray Nixon would know about, being a man who is involved in the cattle industry, to carry one beast per hectare there. This will put some profitability into that area. It is recognised across the State that this area is in some difficulty. Salignus wattles also fall into that category and give the opportunity of better grazing and of holding the country together.

I have also recently been involved in a geophysical survey of 20 000 hectares in the Chapman Valley, during which I looked at a program to get some aerial photography and then to ground truth so that we will be able to find out where the wet areas are and where the salt is developing. That will enable us to develop plans to put in place horticulture and aquaculture ventures which will help with these problems of water run-off and salt development. The Federal Government allocated \$250 000 for the aerial survey data. The same sort of operation was run at Toolibin. A helicopter flew about 30 metres above the ground and did the survey work. There will also be some ground truthing and some drilling to enable those involved to get an understanding of the whole situation in that area. The process of managing the land will be put in place after that. This will be a major step forward in the way we look after our country.

At the conference in Geraldton one of my farmer mates made a speech addressing this issue from the point of view of the farmers, the people who live in the country. He talked seriously about tax deductibility of 150 per cent for people who go out and do this work on their properties. That was put in place many years ago as an incentive for people to develop farmland. When I started farming the directive was to go out and knock down the bush to fence the property so that it could be freehold land. That is probably the worst thing that could have been put in place. On the most recent farm we have developed, we have left about 35 per cent of the original bushland in place. The difference between the two properties is amazing. On the most recent one, we can see the benefit of the trees: There is no sign of salt development because the trees on the hills take out the moisture.

I digress. Let me return to the tax deductibility for planting trees and fencing property. The Government sponsors fencing around remnant vegetation. That is only a start. From my experience, areas of tree planting on farms must be fenced. In my case, we fenced them anyway. Those initiatives are occurring in the farmlands and will continue to be sponsored by the local farmers. A great deal of work has been done by people in the land care movement and the district councils. They have put together farm plans. It is well known that most of the properties involved in those land care groups have their own farm plan which they can work on and develop. It gives an opportunity to get a plan in place for the whole catchment area. That is a very positive thing. Measures can be put in place to remedy salt that may have come into the area. In the central wheatbelt some areas are very badly affected.

Although there are two or three pages of recommendations from the conference, I will run through only a couple. One was that the conference request LandCare to seek a commitment for a bipartisan approach by all Governments to a policy of long term funding to address Australia's loss of productivity of land and water use systems, and biodiversity. That is self-explanatory and must be progressed. One of the prime considerations to be incorporated into this funding policy is that strategic projects which are recommended and meet the community grant guidelines should receive first priority in the funding process. That is also self-explanatory.

Most of the recommendations relate to the fact that people want to see the land cared for in the best possible way and that we cannot afford to allow the salt encroachment to continue any longer. Farmers feel they are the best people to carry out that work. With the incentives put in place, there is every opportunity that we can right the wrongs of the past in this area.

I have some concern about the reporting time suggested in the motion, but I have no problem whatsoever with this monitoring aspect. That is stated in the salinity action plan, and it will be carried out. I hope we are not duplicating work.

**HON CHRISTINE SHARP** (South West) [11.40 am]: I wish to contribute to the debate on salinity and the salinity action plan. Yesterday Hon John Coddell stated that salinity appeared to be the flavour of the month and that, within a short time, it might not be so fashionable. He spoke about the magnitude of the problem and said that there should be some continuity in our concern. I can assure the member that many of us in this place will not lose interest in the matter, because we are all involved in a fairly intimate way with salinity; it affects just about every landowner in the southern part of the State. Therefore, it will not go away and no-one will forget about it. I will speak only briefly on the enormity of the problem, because many government documents address this issue.

Currently just under 2 million hectares of land is affected by salinity, but that area will increase to more than 6 million hectares before reaching an equilibrium. To put that into a more human perspective, Richard George, the senior hydrologist in Agriculture Western Australia, has suggested that in certain landscapes it will mean that between 25 per cent and 40 per cent of entire wheatbelt landscapes will become barren. It also means that currently about one-third of our divertible, potable water is unusable; a further 16 per cent is marginal, and will become considerably worse.

Another worrying aspect about salinity is that it affects the parts of farm landscape which in former times were the most productive; the summer landscape which was producing summer feed to make grazing activities more productive on an annual basis is becoming barren. Of even more concern is the fact that many of the remaining nature reserves in the wheatbelt are in low lying parts of the landscape. It is predicted that of the few remaining areas of natural vegetation in the wheatbelt - in some shires it is down to less than 5 per cent of natural vegetation - about half will become salt affected, and we will lose them. Each year we are losing between \$66m and \$68m in agricultural production. This is an enormous problem and it will take decades to overcome it.

In response, the Government has its salinity action plan. It is a grandiose response. The plan is to put back some 3 million hectares of woody perennials; 500 000 hectares of forage crops; 500 000 hectares of new tree crops, such as the oil mallee; 750 000 hectares of blue gums and pinasta; and 1.25 million hectares of general tree planting, to reach an ultimate target of about 28 per cent vegetation cover on the farmland and the cleared landscape.

The graphs relating to land degradation are interesting. They cover salinity, eutrophication and soil erosion. The critical point seems to be that when more than 70 per cent of the landscape is cleared, the problems begin to kick in, in a serious way. Salinity and other land degradation problems arise rapidly when about two-thirds of the land is cleared. The Government's scheme is to replace vegetation on 28 per cent of the landscape, which will be a restructure of the landscape on a grand scale, and it will work only with community ownership. The critical feature of the salinity action plan is that it is a working relationship between the community and the Government. It must be a good relationship, and the Government must be very sensitive in this regard. Years ago when I lived in the south west, I was invited to attend the Perth launch of the Greening Australia project to see whether I would like to find out how to green Australia. I was extremely upset that the launch was very expensive; it provided a lot of food and drink. Many people had been working for many years greening Australia, but suddenly the Government had entered the scene in a very high and mighty way, and thought it would tell everyone how to do it.

We have more significant concerns about the salinity action plan because there does not appear to be any sense of community ownership of the plan, as distinct from a very deep degree of community commitment to working on salinity. Will the two mesh? Will the action plan be the best way to harness the community energy which will be necessary to meet the scale of the problem? We must have community ownership because the community will do most of the work. The community will front up with the crowbars and the spades. The salinity action plan contains major policy issues on the reconstruction of the farm and natural landscape. That involves major policy directions, and issues such as private versus public input.

One question is to what extent should we be planting exotic species or native species. To what extent should we put the most urgent in front of the more long term goals? What will be the impact of different environmental strategies on communities and socioeconomic values? How do we maximise salinity work to integrate it best with traditional farming practices? Is there as conflict between a commercial focus and nature conservation?

After considering the action plan, I find it very difficult to know how the financing will work. The figures are very rubbery, and that is one reason for some close scrutiny of this issue. As far as I can tell, we are talking about some \$18m for commercial farm forestry, \$11m for commercial industry development; \$13.5m for biodiversity plantings - although, from talking to people on the ground, I think these so-called biodiversity plantings are more like ordinary tree plantings. They do not appear to reconstitute native ecosystems; they have a semi-commercial basis. At this stage, they involve only a handful of species, and in addition they have failed to attract National Heritage Trust funding. Therefore, it is expected that many millions of dollars will go into commercial farm forestry. As a farm forester, I have nothing against farm forestry, but we must ensure that we strike a balance with the protection of nature conservation values.

In fact, remnant vegetation protection, even with a significant increase in funding, is to receive only \$2.3m. Over the next 10 years only six wetland areas on the wheatbelt will be the focus of protection through the salinity action plan. For the first five years there will be only three targeted wetlands - Lake Muir, Lake Toolibin and Lake Warden near Esperance. There is a significant emphasis on the commercial aspects of the salinity problem. That is fine, as long as it is balanced by a significant effort to ensure that what native vegetation is intact on the wheatbelt is protected at any cost.

That is one issue that must be debated by the community so that it feels it is involved in developing the policy and, as a result, will happily work with the Government. This issue must be transparent and the subject of discussion in the community, but that is not happening at the moment.

The Blackwood conference was held a couple of months ago, and several hundred people attended, including the "Who's Who" in land care in the southern agricultural area. However, not one person from Salinity Action Council attended to represent this plan to the community. In fact, there was considerable criticism of the plan; it was described as a disgrace and the council was called upon to resign because of lack of community support. The Conservation Council of Western Australia - Perth's peak conservation group - has also been very concerned about how the plan is being administered and its lack of balance. In addition, the land care movement is generally not involved in the plan.

There is a sense of competition between the community and government over this issue. That is a disaster; it is the last thing we need. We should be working very constructively; we do not need this top-heavy approach where a few people have access to Cabinet and those with hands-on involvement in the land care movement get no say whatever about spending billions of dollars of taxpayers' funds. It is not good enough. There should not be this sense of competition between the community and government agencies over NHT funding; nor should there be a sense of competition between salinity as an environmental problem and other pressing environmental problems.

The Salinity Action Council is very involved in supervision of the fund. We must remember that that funding covers 15 environmental programs, including the National Vegetation Initiative, Rivercare, the Fisheries Action Program, the Endangered Species Program, the Wetlands Program and the Waterwatch Program. It is very unclear to what extent the Salinity Action Council - which was originally part of the same group as the state assessment panel but is now slightly separated - will take the lion's share of all conservation funding from the NHT and how it will be fairly shared. That issue must be debated widely by those people involved throughout the State - people who have contact with members on both sides of the House.

There is a blur between the salinity action plan and NHT funding, and that is extremely unfortunate. NHT funding has caused a lot of headaches in the community this year. For example, when people were first invited to apply for NHT funding, many land care groups had less than one month to prepare their application. The Government then had nearly a year to sort out who would receive the funding. The voluntary community groups meeting over large distances had to prepare their applications in days. It is ridiculous.

The final announcement of funding was handled very inappropriately at a press conference. In fact, one land care officer discovered that his job was to be refunded by reading the local newspaper. There are still groups that do not know whether they have been successful in attracting funding. I had telephone calls to my office as recently as last Friday asking whether I could tell farming and conservation groups whether they had been funded. Other groups have been told that they have received X amount of funding only to be told a few days later that there has been a clerical error and they have been given only 10 per cent of that amount. Other people know they have been knocked back but do not know why; they do not know which guidelines they have failed to meet or whether they have been knocked back at a state or federal level. Meanwhile, decisions have not been made about other applications, and as late as



August some groups were being helped to comply with guidelines because theirs were seen to be more favoured projects. There has been a lack of equity in dealing with different groups applying for funding.

Perhaps the most serious concern is that very important groups such as the Blackwood Catchment Coordinating Group, the Adaptive Catchment Management Project, the Blackwood Environment Society - these are voluntary community groups not aligned with a government agency - will receive no funding. There appears to be a high level policy decision that NHT funding will go only to those community groups working in direct liaison with government agencies and that independent groups will get nothing. We must have some scrutiny of this action plan.

There is limited regional representation on the Salinity Action Council and regional and state assessment panels. I am told that the Blackwood and south west assessment panel has only one community member from the region, and there is very limited natural resource management representation from a sustainability or conservation perspective. The council also has no statutory underpinning and there is no transparency of its objectives or auditing of its performance. To what extent are government agencies being consistent in this matter? Six weeks ago I asked some questions in this Chamber of the Minister representing the Minister for the Environment about the Department of Conservation and Land Management's performance in implementing statutory environmental conditions to ensure that no salinity is caused by intensive logging. Those conditions were first mooted in 1988 and then, on the advice of the Water Corporation to the Environmental Protection Authority, were set in place as binding conditions in 1992.

When I first tried to find out whether the conditions were being implemented last year, I was told by the then Minister for the Environment, Hon Peter Foss, that CALM had three years to put in place environmental conditions to ensure that there would be no salinity increase due to logging. In fact, the Minister decided at his discretion to give CALM two more years to put those conditions in place. Therefore those conditions which have had five years to be put in place should have been in place since last January.

Debate adjourned, pursuant to standing orders.

#### **ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997 - DISALLOWANCE**

*Order Discharged*

**HON CHRISTINE SHARP** (South West) [12.01 pm]: I move -

That Order of the Day No 3 be discharged from the Notice Paper.

In withdrawing this disallowance motion I express my concern about the new noise regulation package that has been outlined by the Minister for the Environment. My initial concerns were that the permissible levels of air blasting noise were set at 125 decibels, which is 5 dB above Australian Standard 2187/2. Because of the exponential scale of noise measurement, this means that roughly a 30 per cent louder blast level is to be permitted in Western Australia than elsewhere in Australia. Members should be aware that about 105 dB is the equivalent of a low flying jet or close thunder and 130 dB is the threshold of pain. We are talking about 125 dB.

The PRESIDENT: Order! The member is entitled to move that the order be discharged; she is also entitled to give brief reasons why it should be discharged, but she is not allowed to raise debatable material, otherwise we will have a general debate on the subject. The member will confine her reasons as to why it should be discharged and not cover the substance of the motion.

Hon CHRISTINE SHARP: Thank you, Mr President. I will seek leave of the House to table correspondence I have received from the Minister for the Environment in which she gives an undertaking that within 12 months, starting immediately, she will review these air blast noise levels. She makes clear that she supports Western Australian standards being brought within Australian standards. The Minister has given an undertaking that she will amend regulation 17 as soon as is practicable in order to involve the public and has publicly advertised applications for exemption of assigned noise levels. In view of the Minister's undertaking, I am pleased to discharge this motion. I seek leave to table the documents.

Leave granted. [See paper No 1122.]

Question put and passed.

#### **WEIGHTS AND MEASURES EXEMPTIONS REGULATIONS 1997 - DISALLOWANCE**

*Order Discharged*

**HON N.D. GRIFFITHS** (East Metropolitan) [12.05 pm]: I move -

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

The PRESIDENT: Does the member intend to comment on his motion? It is usual to give a brief explanation to convince members that the motion should be agreed to. As the member has not sat down, I thought he might like to make some general comment.

Hon N.D. GRIFFITHS: It is not usual. However, I caused this matter to be placed on the Notice Paper in my capacity as deputy chair of the Joint Standing Committee on Delegated Legislation. I think all members are aware that it is a Delegated Legislation Committee motion. When I rose to move that order I was of the view, and it seems I was wrong, that members would appreciate that I did it in that context. A number of members were informed and reminded of that fact earlier today. It is my custom not to take up the time of the House unduly. I am sure that if any member of the House wishes to debate the proposition, I will do my best to respond.

Question put and passed.

### JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

#### *Report on Supreme Court Amendment Rules (No 2) - Consideration in Committee*

Resumed from 20 November.

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Hon N.D. GRIFFITHS: I propose to make some brief observations shortly about some aspects of this report, if time allows, because it contains matters of great significance to the Chamber's consideration of an order of the day. It is appropriate that what is said in support of the motion before the committee be dealt with in greater detail than usual because of the provisions of our standing orders. Members will note what is happening with Order of the Day No 2, Supreme Court Amendment Rules (No 2). I understand that no debate will take place on that matter today. Standing Order No 153(c) reads -

Where, at the expiration of 10 sitting days (exclusive of the day on which the motion was first moved), or upon a prorogation of Parliament, the question remains unresolved, then, in case (a), the question shall be put and determined without further adjournment on the next succeeding sitting day, and in case (b), the regulations shall thereupon be disallowed and the question deemed to be resolved in the affirmative.

If prorogation occurs, disallowance will follow. I understand from the Government that prorogation will not occur before the House resumes and, as a result, we will be required to vote on the matter without debate. Therefore, it is fortuitous, to say the least, that the Delegated Legislation Committee has provided the House with the report and that we can now consider the content of the report, otherwise members may find themselves voting on the issue with less knowledge than would otherwise be the case. I propose to make some brief observations shortly, if time permits. I understand that one of my colleagues from the Delegated Legislation Committee, Hon Jim Scott, under whose name Order of the Day No 2 is listed, wishes to make a number of observations.

#### *Point of Order*

Hon SIMON O'BRIEN: I am prepared to stand corrected. I was under the impression that Hon Nick Griffiths introduced this matter in Committee some time ago and that there had been discussion and his remarks were just drawing this matter to a close. Are members now free to discuss this further?

The CHAIRMAN: We are still in Committee. Hon Nick Griffiths began his comments when he moved the motion that the report be noted. He had not concluded his comments when we adjourned last week. Within the constraints of this matter appearing as Order of the Day No 2, some comments may be made by members.

Hon SIMON O'BRIEN: I thank the Chairman for clarifying that.

#### *Debate Resumed*

Hon J.A. SCOTT: Hon Nick Griffiths is right in saying that it is fortuitous that the Joint Standing Committee on Delegated Legislation delivered this report because, according to my reading of the standing orders, there will be an inability for Order of the Day No 2 to be debated when we return in March.

Hon N.F. Moore: Why is that?

Hon J.A. SCOTT: Standing orders allow the question to be only put and not debated.

Hon N.F. Moore: The order of the day will be debated when we return.

Hon J.A. SCOTT: It is important to consider some of the things the report of the Delegated Legislation Committee says about the Supreme Court Amendment Rules (No 2) 1997. One of the most important comments it makes is that

the adjustment to the Supreme Court Amendment Rules (No 2) was undertaken at the request of Treasury in 1996. That raised the dilemma for the committee when making its report of whether it was an area on which the committee could express its concerns to the Chamber, because there was a fine line between whether these rules imposed restrictions on the rights and freedoms of people in our community.

One of the matters the committee addresses when considering regulations is whether they impinge unfairly on the rights and freedoms of people in the community. People say we should have a justice system that is fair to all, regardless of people's economic circumstances. The regulation proposes a change of fee payable for the commencement of proceedings from \$265 to \$500, almost double the original amount. The taxing fee, which is payable on the costs awarded to a party, will increase from 2.5 per cent to 7.5 per cent - a considerable jump. It must be noted that although these are called the Supreme Court rules, they apply also to the District Court. The committee had to consider whether an unfair imposition was placed on the rights and freedoms of individuals to approach the courts for their jurisdiction on matters if they did not have sufficient financial wherewithal.

The change to the fees was suggested not by the justices of the Supreme Court, but by Treasury. Although the justices considered the matters and put forward a response, which ended up in these regulations, the question is raised in the committee's report whether a person's ability to pay should be a factor in the setting of fees. To what extent would, say, a 27 per cent increase in the fees affect detrimentally a person's capacity to access justice? Would such an increase be material in a litigant's total legal costs and would it influence the litigant's decision to bring a matter to trial?

That is not the end of the matter because people may be on the receiving end of a court action and may have costs awarded against them, in which case the fee would be payable by them. People who are in dire poverty often end up before the courts without wanting to be there, for various reasons. It may be those people who have these costs imposed on them. We are looking not only at the person taking out the writ, but also at people who have the writs taken out against them.

The committee was not able to look at extraneous factors. The Chief Justice was quoted in *The West Australian* on Saturday, 4 October when the ability to fund a court case was a paramount issue because of the cuts to legal aid in Western Australia, as follows -

The WA Chief Justice David Malcolm has condemned the Federal Government's cuts to legal aid as a potential disaster for women and a threat to a fair court system.

He says it will be impossible for Australia to meet its international obligations and maintain the rule of law if the full force of the cuts is implemented.

It is unfortunate that in a report like this a committee cannot consider that conjunction with what is happening outside the regulations. It is clear that the increases in these fees plus the cuts to legal aid in this State will result in Western Australia not being able to uphold its international obligations to provide justice for all, regardless of their level of wealth. That was the reason, as an individual, that I had to step aside from my committee role and put forward a disallowance motion which will be debated at a later date and on which I cannot comment here. In saying that, I ask members to very carefully read this report because it outlines quite a few of the issues that will arise when they must eventually consider whether such a regulation should be implemented. It must be taken very seriously because the people in our community most affected by this regulation have the least ability to either represent themselves or pay for people to represent them. I am very pleased that the committee has put forward this report. I am only sorry it was limited in what it could say to its terms of reference because there is much more to these Supreme Court rules that should be debated in this place. I am sorry that will not be possible.

Hon N.F. MOORE: I will clarify a misconception of the honourable member. Order of the Day No 2, Hon Jim Scott's disallowance motion, will be dealt with on the first day that the House returns after the summer recess. Standing Order No 153 covers this and says in part -

Where, at the expiration of 10 sitting days or upon a prorogation of Parliament, the question remains unresolved, then, in case (a), the question shall be put and determined without further adjournment on the next succeeding sitting day, . . .

The House will adjourn until 10 March. Order of the Day No 2 will need to be debated and determined on that day without adjournment. It does not say "without debate" it says "without adjournment". We cannot adjourn it, but we can debate it. If Hon Jim Scott speaks at great length we must wait until he is finished and the matter resolved before the House can adjourn. He will have a chance to say what he wants to say. I had no intention of denying him the right to speak on this and I look forward with interest to his speech when the House resumes. There is no reason therefore to debate this issue any further.

Hon N.D. GRIFFITHS: What the Leader of the House says is true.

Hon Tom Helm: Did you say it was true?

Hon N.D. GRIFFITHS: Yes. I say that with a straight face!

Hon N.F. Moore: It is always true; I don't tell lies.

Hon N.D. GRIFFITHS: However, if the Government were to change its mind about prorogation -

Hon N.F. Moore: It would be automatically disallowed.

Hon N.D. GRIFFITHS: I know that. If the Government wants to change its mind about prorogation, this is the only opportunity for Hon Jim Scott to explain why he has moved his motion for disallowance, albeit confined as he is in his comments by the fact that Order of the Day No 2 is on the Notice Paper and we are dealing with Order of the Day No 5. Therefore, it is appropriate that he make his comments because - I do not want to labour the point - this Government changes its mind regularly, sometimes for very good reason, mainly when it realises it has done the wrong thing, as it does from time to time.

Hon N.F. Moore: Don't give us a lecture or I will tell you all about Brian Burke and prorogation, and it will take a long time.

The CHAIRMAN: Order!

Hon N.D. GRIFFITHS: Thank you Mr Chairman. I want to address the motion rather than speak at length, which I am capable of doing with great accuracy about this Government's gross mismanagement of the State.

Hon N.F. Moore interjected.

Hon N.D. GRIFFITHS: When the Committee notes the paper and considers what the Leader of the House and what Hon Jim Scott said I hope prorogation will not occur before we convene again so that the matter will be fully debated. However, in the event of prorogation it is appropriate that members note the views of the Chief Justice of Western Australia expressed in an item of correspondence appended to the report and the reported views of the soon-to-be retiring Chief Justice of Australia on the issue of user pays and the strongly held view, with which I agree, of senior members of the judiciary that the provision of the administration of justice is a fundamental role of government and for the most part should be funded from general revenue of government rather than merely something accessed by people who have the wherewithal to pay. It is a very important issue.

Therefore, because of the possibility of prorogation it is very proper that the issues be raised by Hon Jim Scott in the way he has and, if I may say, by me to the degree I have. Having made those observations I have no interest in delaying the Committee. You will note, Mr Chairman, a very senior member of this place wanted me to speak at greater length a few moments ago on a matter.

Hon N.F. Moore: Who was that?

Hon N.D. GRIFFITHS: The President. I know Hon Norman Moore likes me to speak at length! However, I have no desire to speak at length or repeat what I have said. I urge the Committee to note the report.

Question put and passed.

### *Report*

Resolution reported and the report adopted.

## **APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)**

### *Second Reading*

Resumed from 26 November.

**HON LJILJANNA RAVLICH** (East Metropolitan) [12.20 pm]: Thank you, Mr President, for the opportunity to continue my remarks about the Western Australian training system, particularly as it applies to TAFE. Yesterday I outlined four key concerns in this area: First, was the rate of contracting out of training services to the private sector and the lack of quality control; second, was the reduction of full-time equivalent staff directly involved in training delivery and the subsequent growth in the administration; third, was the apparent failure of this Government to accurately forecast skill shortages and assess the appropriate skill requirements of industry; and fourth was the future of the apprenticeship/traineeship system under this Government which I deem to be very bleak and which I will discuss in my concluding remarks.

I believe firmly that we are heading down the path of a training disaster in this State. If the Government really believed that the policy direction in which it was moving would be a positive move for Western Australian young people, Western Australian unemployed people, Western Australian industry and Western Australians generally, it would have promoted some of these initiatives. However, rather than promote these initiatives, time and time again actions have taken place behind the scenes and subtle changes have been made which this Government hopes will go unnoticed. However, I assure the Government that many of these changes are not going unnoticed within the training arena.

Yesterday I concluded my remarks about competition policy by arguing that the Government's competition policy is driving the training agenda in this State. This Government's preoccupation with getting competition into the marketplace and driving down the cost of training is underpinning its actions in the area of training.

I have enormous concerns about the notion of contracting out the delivery of training. My first concern is that the model of contracting out training delivery to private companies which are registered training providers appears to have no quality controls. Some training providers are taking on training contracts when they do not have adequate resources to provide that training. I am not suggesting that every training provider in this State is operating in this manner. However, because there are no checks and balances in the system, there is insufficient follow up to accurately assess where shortcomings arise and where improvements can be made.

There is a very real risk that in devolving training to private training providers, appropriate checking mechanisms will not be in place. We only need to look at the way this Government checks on its multimillion dollar contractual arrangements with the private sector to recognise that its checking mechanisms are very weak. If the Government is not prepared to check multimillion dollar contracts, it is highly unlikely that it will spend a great deal of time or resources on checking training providers to ensure that they provide an adequate standard of training.

Another problem that I foresee with contracting out training delivery is that because some courses will be more cost effective for the private sector than others and will provide substantial profit margins, training providers will put up their hands and say they will conduct those courses.

Hon Kim Chance: They will pick the eyes out of the market.

Hon LJILJANNA RAVLICH: That is absolutely correct. Training providers will provide certain areas of training, and weaknesses and shortcomings will occur in other areas.

Hon Kim Chance: And higher costs.

Hon LJILJANNA RAVLICH: That is correct. The community should be concerned about that problem. I am also concerned that the state training system will be left to deliver the training that nobody else wants to deliver because of the cost of delivering that training. I believe that insufficient work has been done by the Government and that it has moved in this policy direction without thinking it through properly, and that will lead to considerable problems down the track.

Hon Kim Chance: The Minister for Finance understands exactly what you are saying.

Hon LJILJANNA RAVLICH: I can see that the Minister for Finance is shaking his head in agreement.

Hon Max Evans: Do not put words in my mouth.

Hon LJILJANNA RAVLICH: There are clearly problems with the technical and further education system. Some of those problems are also emerging as a result of the flow of resources from the TAFE sector into the private sector. Therefore, it was not surprising to find that last year when the Western Australian Department of Training conducted its annual survey of employers and training participants to gauge their level of satisfaction with training delivery, 27 per cent of employers and 27 per cent of students were not satisfied with the quality of training provided. In other words, one-third of the people who are trained through the system are not happy with that training, and one-third of the people who buy the services of the people who are trained through the system are not happy. That is not surprising when one looks at the ratio of FTEs who are involved in training delivery, which I assure members is a diminishing percentage.

It is of enormous concern to me that this Government is paying consultants to undertake comprehensive surveys of skill requirements for this State over the next decade. I refer to the Worley Ltd report, which was commissioned by this Government on two occasions and is an update on skill requirements of major WA resource development projects. That report is interesting because it shows that Western Australia is destined to experience severe skill shortages. Page 11 of the report states -

The detailed findings provide labour demands for engineering, trades, drafting and management groups. If the committed/likely projects are to go ahead in the manner reflected in the study, the peak requirement from mid-1998 through mid-2001 **is estimated to be for an additional 6, 000 persons.**

Those 6 000 additional persons who will be required are not available, and some companies have already started to recruit not only outside Western Australia but also outside the country.

With regard to the trade skills that will be required, the report states that boilermakers are a priority skill area over the next four years and that there will be an additional peak demand requirement for 450 additional boilermakers in 1998 with an average additional demand of 300 from 1997 to 2000. Mechanical fitters are also identified as a priority skill area, with additional demand continually increasing from 380 in 1997 to 1 260 in 2000. Instruments-electronics fitters are already in high demand, with additional demand increasing to over 600 in 2000. There is an additional requirement at the operating phase of the project for process plant operators rising steadily to 1 120 in 2001. We see this enormous increase in the demand for tradespeople, while at the same time there is a drop in the number of people involved in the delivery of training. Western Australian companies are also being forced to recruit from outside the State. Most importantly, we are presented with the abolition of apprenticeships and traineeships as we know them from the commencement of 1998. That means this State will be in very dire straits in meeting skill requirements in the future.

Clearly, we are having problems even now. That has been confirmed in an article to *The West Australian* dated 24 November, which states -

A shortage of qualified tradespeople has sparked a campaign to attract metal workers to WA to meet a resources boom.

After discussing strategies with more than 30 employers unable to find workers, the Chamber of Commerce and Industry of WA is advertising in Brisbane, Adelaide and Auckland . . .

The advertisements were part of a program which included training apprentices and refresher courses for those who had left the industry and wanted to return. But if the program did not address the shortage, overseas labour would be an option.

Most of the companies looking to import workers from other States were engineering firms working in fabrication or construction looking for welders, boilermakers, mechanical fitters and pipe fitters.

To have well qualified tradespeople we must put them through the right processes. We cannot pick up people in a short time and give them skills that historically have taken a number of years to develop. We have an emerging problem in that this Government is forcing a situation whereby labour will need to be imported to meet skill requirements in Western Australia.

These reports are of major concern. They have cost Western Australian taxpayers an enormous amount of money - I would like to know the value of the contract to write the reports. Two of the reports have clearly listed the skill requirements in each of the key trade areas up to 2001. Yet, this State has skill shortages and is looking down the barrel of importing foreign labour. Clearly the Government does not have it right. It does not seem to follow up in practice what it espouses in rhetoric, and that is of enormous concern.

This Government has a policy direction and it has not been upfront about it with the Western Australian public; that is, the abolition of the apprenticeship and traineeship system as we know it. That system has been in place in this State and in Australia generally for a very long time. It has combined on-the-job training with off-the-job training to produce high quality and very skilled workers. I understand new regulations governing apprenticeships and traineeships in Western Australia will take effect from 1 January 1998. Those regulations aim to minimise the regulatory provisions. A number of areas relating to apprenticeships, which are currently regulated under the Industrial Training Act, will not be regulated in future. I believe, as do many of my colleagues on this side of the House, that this will lead to a reduced quality of training generally. It will also result in people having completed their training with nowhere near the level of skills that apprentices and people involved in the training system have had in the past.

I understand work is still being done to finalise the regulations. Given that we are only a month or so away from the beginning of next year, members can see the haste with which the Government is operating and how slapstick the regulations will be. These new regulations will be the nail in the coffin for the apprenticeship and traineeship system as we know it. A Western Australian Department of Training publication states that the provision relating to the training agreement will be less prescriptive than those under the industrial training legislation. The key provisions include signatories to the training agreement being the employer, the apprentice or trainee and a parent or guardian if the apprentice or trainee is under the age of 18 years. There will be no union involvement in this arrangement,

which suggests a subagenda. In the past under the Industrial Training Act and regulations there was notification by the director of an application to employ a probationer and a provision for a union to lodge an objection. Under the new system, the practice of notification will be discontinued and unions will have no involvement.

Part of this new arrangement is a competency schedule attached to a training agreement that will list all the competencies that a trainee will be required to achieve so that all parties are clear about the training requirements. I heard a horrific story the other day from a mechanic who had seen one of the agreements with the attached schedules of key competencies. He said that it would be no problem because he would have the young bloke working in the workshop and he, the mechanic, would tick the form to indicate that the trainee had done everything and then post the schedule back to the department. The trainee would then be seen as having effectively achieved his certification and be deemed to be skilled.

Members would be very concerned if such a young person were working on their car or if they were on the road in a vehicle fixed by someone who had been trained under those arrangements. Not only will this result in reduced training standards but it will also put the public at risk in a whole range of areas.

The Industrial Training Act and regulations require a test for colour vision. In the past, applicants could commence an apprenticeship - for example, as an electrician - only after they had demonstrated that they had good colour vision. Under these new arrangements, the electrical workers' board no longer requires such a certificate. It is a worry if electricians or young people training to become electricians cannot see the different colours of wire - that is an integral part of doing that job. If they cannot distinguish the different colours they will put at risk not only the worker but also the community at large. That is not good enough. The report states that the basic responsibilities of the employer to provide training and supervision and the trainee to undertake training, will be set out in the training agreements which will be registered by the Western Australian Department of Training. The administrative functions will be handled by the training administrative bodies. We do not know what administrative bodies will be set up, nor do we know who will be appointed to serve on them.

This looks like policy on the run. The Government has been almost negligent in not thinking through the safety issues. Under these new regulations there will be no such thing as an apprenticeship. Apprenticeships, as we know them, will no longer exist because Ministers have agreed to abolish the declaration of vocations. Apprenticeships will be a thing of the past and I wonder how many people in the public know that or have been advised of that. I suspect very few. Until it was brought to my attention I did not know that, and I take an interest in training matters.

This system whereby the declaration of vocations will be abolished has not been endorsed by all the other States. I understand New South Wales will not go down that path. It will keep the declaration of vocations system and Western Australia should do the same thing. It is not in this State's interest to do away with apprenticeships. The Australian Labor Party is not against improved efficiencies in training, but it does not want training standards reduced, because it will not benefit anybody. This State's training system is under siege when there is a cry from industry for skilled workers. The Government has not been able to get its act together to match supply and demand for labour. That is the reason this State is in this mess.

Members must ask why there are not enough skilled people in this State and why the Government is discussing the possibility of importing skilled labour when there have been two reports on this matter, and God knows how many others have been produced by other government agencies. In spite of that, this Government cannot get it right. It will not get it right if it continues to load up administrative structures and divert the resources to administration at the cost of training delivery. This Government cannot get it right if that is the policy direction it is taking.

The bottom line is that we need more courses. We cannot expect the private sector, over a short period, to develop the infrastructure and the expertise to deliver those courses to a required industry standard. We need to maintain training standards, yet this Government's policies are aimed at decreasing those standards rather than improving them.

Everyone should be concerned about this. The employers should be concerned because it is likely that they will end up with workers who do not have the skill levels required of industry. Apprentices have something to be concerned about because they will receive an inferior quality of training. Parents of young apprentices should be concerned because their children will be denied opportunities. Under the new regulations, which will take effect on 1 January 1998, their children will not have the same level of protection as they have had in the past.

Finally, the community should be concerned because of the lack of community consultation. If it was such a good policy, this Government would have jumped up and down about it. But it knows it is not a good policy. It is penny pinching at its best and the Government has ducked for cover on this issue.

**HON NORM KELLY** (East Metropolitan) [12.55 pm]: I express the Australian Democrats' support for this Bill and take this opportunity to draw to the Council's attention an issue of ongoing concern to people in the East Metropolitan Region.

On 5 December 1996 the Perth Airport indicated a change to its flight path for departing aircraft. It was argued by Airservices Australia, which controls these things, that the changes were necessary because of the considerable growth in air traffic coming into and out of Perth Airport. This growth has occurred through the increase of tourists to Western Australia and the extensive mining services which are generated out of Perth Airport.

The flight path changes are compounded by the demands for airspace from Jandakot Airport and Pearce Air Base. Pearce Air Base has a controlling influence over air corridors, particularly in the eastern and northern areas of the metropolitan area. The demand for military training and flights severely impinges on the airspace available to Perth Airport. The necessity for changes to the flight paths became obvious to those people involved in this issue and discussions commenced about two years prior to the implementation of the changes last December.

Hon Derrick Tomlinson: Discussions between whom?

Hon NORM KELLY: Between Airservices Australia, the Shire of Kalamunda and the Perth Airport consultative committee on noise abatement. That was the extent of the consultation on the proposed changes. At that stage it was considered that wider consultation and participation were not necessary.

At the introduction of the flight path changes, the word "trial" was used. It was termed an aircraft trial for air traffic to depart from Perth Airport. I will refer to the use of the word "trial" in conjunction with a report to which I will refer later. The word "trial" has many connotations. It has been the root of the entire problem caused by the implementation of the new flight paths. It has caused a considerable amount of animosity and conflict among the local community. It is conflict that could have been avoided had a different procedure of consultation been adopted.

A result of this conflict was the formation of a lobby group which campaigned vigorously on a number of fronts, including lobbying state and federal politicians, generating petitions, participating in the environment impact assessments, proposing alternative flight paths and assessing the studies on noise levels in the area. Subsequent to this another residents' lobby group called Neighbours Against Noisy Aircraft was formed. The members of this group represent residents to the north of Kalamunda, into the Shire of Mundaring.

*Sitting suspended from 1.00 to 2.00 pm*

Hon NORM KELLY: There was limited consultation with the community on those changes. It was limited to a representative of the Shire of Kalamunda being on the consultative committee. This representative was not an elected representative of the shire, but a shire officer. No direct link existed between the community and the position on the committee. When members consider the activism of residents in this area, they must bear in mind the history of the hills and why people choose to live in that area. A large component of that choice is lifestyle.

Hon Derrick Tomlinson: Do you know where the representatives of the Shire of Kalamunda Residents Against Air Traffic live?

Hon NORM KELLY: Yes, it involves a number of people. I believe they live along Lesmurdie Road and into Carmel.

Hon Derrick Tomlinson: I think you will find they are in Bickley Valley.

Hon NORM KELLY: I take that point. The choice to live in that area has developed in a strong sense of community and this instigates a stronger community involvement in issues. A number of people who have become active through SKRAAT have not previously found a need to become active on these sorts of issues. That is partly because it is such a strong issue in that area. It also reflects on the continuing disfranchising of people having a say in these planning processes.

There is a continuing trend for government and people in authority to make decisions without taking into consideration community input. We have a battle between the powerful and the powerless. To help resolve this conflict Air Services Australia placed noise monitors in the area to gauge the level of noise and the frequency of flights. Although that provides good scientific data on those factors, it does not indicate how the noise level impacts on the residents in the community. The Australian Democrats, through Senator Andrew Murray and me, felt it was necessary to gauge those social impacts and the general feeling in the Kalamunda Shire towards the flight path changes and to see whether the SKRAAT representations were indicative of the wider community feeling on this issue.

To do this we commissioned four community psychology postgraduate honours students from Curtin University of Technology to conduct a social impact assessment on the effects of the changes on the local community. The four



students - Monica Cass, Jason Gowlett, Meredith Green and Evangelia Papadopolous - worked under the supervision of Dr Brian Bishop at the school of psychology at Curtin University. They produced what I believe is an excellent and comprehensive report on this issue. They traced the history of the issue and came up with good recommendations. They investigated and researched the political processes involved in making these decisions and the factors that eventuated in the resultant conflict on this issue. They looked at the degree of empowerment, or in this case the degree of disempowerment, experienced by the local community. They looked also at the level of procedural justice and their sense of fairness of the political process and how this adds to the decline of deference, which is people's increased unwillingness to defer power to those in authority and to Governments. This has been brought about due to the increasing mistrust of those in authority. Since World War II there has been an increasing trend in the decline of deference.

The decline of deference was referred to also in the report of the Royal Commission into Commercial Activities of Government and Other Matters in 1992, which highlighted the importance of restoring the public's trust and confidence in the political process. Further aspects of the report commissioned by the Democrats include the importance of sense of community, which is influenced partially by the length of residency, the strength of place attachment, and the willingness to participate in community issues. I repeat: A number of people who have become active and who have participated in this issue previously have not felt inclined to participate in these sorts of matters.

Hon Derrick Tomlinson interjected.

Hon NORM KELLY: That is why the study must examine the length of residency and determine whether it is a true indication of the underlying sentiment or whether it is a reflection on people coming into the area after the flight patterns have been established for years.

Hon Derrick Tomlinson: What did they find?

Hon NORM KELLY: I am not sure; I received this report only yesterday. I will seek at the end of my speech to table it for the information of members.

To get a balanced view of the issue, the researchers conducted interviews and focus groups and conducted a survey of almost 1 000 residents in the area. They interviewed people from Air Services Australia, councillors and officers from the Shire of Kalamunda, representatives from SKRAAT and various other people in the area. The survey examined the level of awareness that people had of the flight path changes and also the degree of information that was made available to the community when the flight path changes were implemented. The report highlights a major failing in the amount of information that was made available. According to the report, 32 per cent of people felt they had received no information about the changes, with a further 34 per cent feeling that they were only slightly informed about the changes. Only 1 per cent of those surveyed felt they had been completely informed of the changes. This is another factor: Apart from the consultation, the process must inform people. As these figures show, this has been a major failing in this issue.

Hon Derrick Tomlinson: It might also be a measure of perception.

Hon NORM KELLY: That is a good point. That is what the graph in the report shows. Diagram 1 shows the community perception of the quantity of information received about the changes in flight paths. Although I accept that at times there is a difference between the perception and reality, it is vitally important that we deal with people's perception, because that is what can be addressed. The report also highlighted the resistance to policy changes emphasised as a result of a lack of consultation and participation in the decision making process. The recommendations of this report highlight the essential need for adequate community consultation. The executive summary of the report reads -

The findings of this report indicate the necessity for increased community consultation and public participation, in public policy development and implementation. The benefits of such an approach are evidenced within the report.

Although this report should be of interest to other members for the East Metropolitan Region, it is also vital that members of all parties take notice of the continuing decline of deference to our community. The lack of community consultation and participation serves only to undermine the ability of government to adequately lead the people it represents. I am not directing these remarks solely towards the current Government but to successive Governments of the past few decades in the light of the statistics on the decline of deference.

We would all benefit from greater community participation and involvement. People in power and Governments should not be fearful of increasing the level of input they allow from communities. Sometimes they fear that they would be giving away some of their powers. However, their power would be enhanced by enriching people in the consultation process because they would respond and support the people who allow them that level of input.

Late last year the Minister for Transport realised what could go wrong when the community was not consulted about a medium strip built on Great Eastern Highway in the Belmont area. In reality it was an overnight occurrence. The lack of prior consultation caused severe uproar in the local business community. Even though the reason for putting it in was well founded it did not meet with local business support simply because those affected were not informed about it and were unable to plan for the changes it created. I remember the Minister acknowledging that it had not been dealt with in the correct way. He assured us that the process would be different in the future. I appreciate that. That consultation process should be introduced into all areas of government.

Hon E.J. Charlton: There has been a 40 per cent reduction in accidents since the medium strip was built.

Hon NORM KELLY: Exactly. That is why I agreed completely with the reasons for building the medium strip. It was only the method of informing local business that was faulty.

The Australian Democrats have proposed a curfew for Perth Airport. However, the Social Impact Assessment Report states that it would be a partial remedy and could complicate the issue because of the way aircraft would need to be scheduled to work around the curfew. Obviously continuing work must be done on air traffic noise in the Hills area. I hope that the community will be consulted on a far wider basis about continuing work in this area. I hope that authorities such as Airservices Australia will take heed of what happened this year and institute better consultation in the future.

In conclusion, I again thank the four students - Monica, Jason, Meredith and Lia - for their work. Although it was part of their postgraduate course, they produced far in excess of the course's requirements. I appreciate the quality of the report. I seek leave to table the report for members' benefit.

Leave granted. [See paper No 1123.]

**HON J.A. SCOTT** (South Metropolitan) [2.16 pm]: I will surprise members by speaking on matters on which they would not expect me to speak.

Hon Max Evans: The appropriation Bill?

Hon J.A. SCOTT: The topic certainly has a financial implication. I will speak on a range of transport issues: First, the failure of the Minister and the Department of Transport to follow the Government's own policy objectives; second, the extremely poor financial management including failure to implement microeconomic reforms in the department; third, the failure of the department to take heed of warnings by the Department of Environmental Protection on air quality and thus its failure to implement reform to reduce pollution; fourth, the misuse of information and untrue statements to disguise the above failures and to impose bad planning decisions on the community.

Hon E.J. Charlton: Is that all?

Hon J.A. SCOTT: No; the Minister will not get off so easily today. The fifth issue is the need to bring the Department of Main Roads under the umbrella of the Department of Transport; and the sixth is the rail route to Rockingham-Mandurah being the wrong route. On the first issue, the "Metropolitan Transport Strategy" has a nice picture of the Minister at the front for a start. However, I will go beyond that.

Hon N.D. Griffiths: It does not sound like a true picture.

The PRESIDENT: Order! The member has indicated he has much to get through.

Hon J.A. SCOTT: At page 6 the summary reads -

Transport in Perth is predominantly based on advance cars, small vans and trucks using the Region's extensive road system. This transport approach will continue to provide for our needs for many years.

Hon E.J. Charlton: True or false?

Hon J.A. SCOTT: To continue -

However, it is already clear that simply continuing and expanding the current transport system will not meet the Region's long-term requirements.

The past decade has seen increasing vehicle emissions and atmospheric pollution, growing road congestion and traffic delays, increasing concern about traffic accidents and personal injury, and rising complaints about traffic noise. Constructing and maintaining the road system is becoming increasingly expensive, yet people without easy use of a car have limited transport options.

It lists a number of points about reducing car based transport. However, the reality is that the Minister is doing exactly the opposite. In fact, the Minister is continually looking for more funding by imposing more and more versions of taxation on the community and seeking to increase the cost of licences even further in order to build more roads.

As the fuel levy was struck out we must find other ways of getting that funding back into this State. This issue is a double-edged sword because it is not about only failure to start dealing with the overuse of cars in this city but also the huge waste of money and the Minister's absolute desire to cover the city of Perth with tarmac.

I have a document called "A Critical Review of the Fremantle Eastern Bypass Summary Report". It was produced by FRETRAN in response to Main Roads documents put out in abundance in Fremantle arguing the case for a bypass. That group had asked the Department of Transport to look at the Fremantle eastern bypass with fresh eyes and produce some information about the real cost of the bypass and the alternatives. However, rather than do that, the Department of Transport produced its own document, the eastern bypass summary report prepared by Main Roads, to back up its argument about why it was necessary to have that bypass. Therefore, the City of Fremantle financed that summary report as a response to the Main Roads document, and it was guided by a committee comprising three City of Fremantle councillors - Councillors Deegan, Thompson and Sullivan - and three representatives of FRETRAN, which is an association of community groups from the Kwinana area to North Fremantle. That document outlines some of the data that needs to be examined when considering the waste of funds and the over emphasis on car transport in Perth. Some of the figures in that document come from a study for the World Bank by Professor Peter Newman from Murdoch University.

Hon E.J. Charlton: Surprise, surprise!

Hon J.A. SCOTT: That study was of the transport experience of 31 cities around the world, and it is based on facts rather than the nonsense that we get out of Main Roads. The document contains a very good comparison chart, and if I am granted leave to table this document later, I will ask members to look at this chart, because it is very interesting. It shows that the percentage of wealth that is spent on roads in Perth is greater than in any other city in the world. Australian cities have an average of 13 per cent of wealth spent on transport, wealthy Asian cities have 5 per cent, European cities have 8 per cent, Canadian cities have 7 per cent, United States cities have 12 per cent, and Perth has 17 per cent. In Australian cities, a huge amount of money is taken out of people's pockets and put into transport, and that demonstrates clearly that something is wrong. If that expenditure resulted in a fantastic road transport system, that would be another story, but that is not the case.

Hon E.J. Charlton: Have you been to any other cities in the world?

Hon J.A. SCOTT: I have been to Vienna and Zurich, and to quite a few other European cities.

Hon E.J. Charlton: Does the traffic flow better there than it does here?

Hon J.A. SCOTT: In Vienna it flows much better than it does in Perth. It has an excellent bypass system that goes around the city.

Hon E.J. Charlton: A bypass around the city? Goodness gracious!

Hon J.A. SCOTT: A light rail system. I know the Minister gets fairly jumpy at the word bypass. He has had some fairly significant cost overruns on the northern bypass and he must be feeling nervous about bypasses at the moment, so I will not mention that word again because I know it upsets the Minister. The cost of providing public transport in Perth -

Hon E.J. Charlton: How does that compare with other cities?

Hon J.A. SCOTT: Not very well at all.

Hon E.J. Charlton: Give me the comparison between what they spend on road funding and what they spend on public transport. Hon Jim Scott should listen to me, because this is interesting.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order!

Hon J.A. SCOTT: The Minister should look at these documents later, because they spell it out. In United States cities, the percentage cost recovery of public transport is 35 per cent. In Australian cities, it is 44 per cent.

Hon E.J. Charlton: What is it in Perth?

Hon J.A. SCOTT: It is 28 per cent. It is not very good, is it?

Hon E.J. Charlton: No. That is why we will put up the fares.

Hon J.A. SCOTT: It is because of the fares, is it, Minister?

Hon E.J. Charlton: Of course it is. How else can we get the money back, you silly man?

Hon J.A. SCOTT: We do it by making sure that the transport system is used efficiently and we do not put miles and miles of road between people and the -

Hon E.J. Charlton: Where will the buses run - on the railway line?

Hon J.A. SCOTT: While the Minister is on the subject of buses, people who use the bus stop around the corner from me to go to Fremantle often have to walk to the next bus stop, which is down past South Street, to catch the bus that comes from the other direction because the bus for which they are waiting does not arrive when it is supposed to arrive. These people are going to work, and they find that a bit embarrassing.

Hon E.J. Charlton: We are the first Government in 20 years to have a pro rata increase in the number of people using public transport. Did you know that?

Hon J.A. SCOTT: I did not know that.

Hon E.J. Charlton: You have learnt something today.

Hon J.A. SCOTT: That may be because the Government inherited a new rail system. That may have a lot to do with it.

Hon E.J. Charlton: I am talking about the buses.

Hon J.A. SCOTT: Buses only, is it?

Hon E.J. Charlton: Wait until we get the new buses!

Hon J.A. SCOTT: I turn now to transport deaths per 100 000 of population. Perth is not doing too badly at 11.9 per cent, because in Australian cities as a whole it is 12 per cent. The United States is even worse at 14.6 per cent; in Toronto it is 6.5 per cent; in European cities it is 8.8 per cent; and in wealthy Asian cities it is 6.6 per cent. These are cities which have a good public transport system.

Hon E.J. Charlton: No they are not. They are cities where 5 million or 6 million people live in an area that is about one-quarter the size of Perth, and in high rise, high density areas.

The DEPUTY PRESIDENT: Order! Hon Jim Scott might like to address his comments to me, and the Minister might like not to address his comments at this stage.

Hon J.A. SCOTT: I am pleased that argument has been raised, because it is exactly the building of highways that spreads cities out and decreases the density. One-third of the total area of Perth is used for cars in the form of parking areas and roads. Perth has the highest proportion of roads per person of any city in the world.

Hon E.J. Charlton: Of course, because the people live between Two Rocks and Mandurah, and that area is about the same in size as the city of Sydney. Come in here and tell me about squashing it up and forcing people to live in high density areas. That is what you need to do.

Hon J.A. SCOTT: The Minister fails to understand that I have been to quite a lot of planning seminars in my lifetime and I have met some of the people who know how to plan cities. They do not squash up people into little areas at all.

Hon E.J. Charlton: Was it Peter Newman?

Hon J.A. SCOTT: They use areas more wisely and have far more open space between urbanised areas than does Perth. The population density in rural Java is greater than that in Perth.

Hon E.J. Charlton: In downtown Bangkok -

Hon J.A. SCOTT: That is the wrong country. The Minister has himself confused.

Hon E.J. Charlton: I am not talking about countries; I am talking about a comparison between cities.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): We appreciate the Minister's running commentary. Perhaps Hon Jim Scott can deliver his speech and we can have a response if necessary.

Hon J.A. SCOTT: The figures I have showing the transit share for total passenger kilometres in Perth for 1990 are interesting. The Minister cannot be totally blamed for the fact that these figures are so dated, but I do not believe

the situation has changed very much. This Minister is not the only Minister who has had this approach. However, I have never seen a Minister who wanted to spend more money on roads than this Minister. The transit share of total passengers in Perth is 4 per cent, whereas the Australian city average is 8 per cent; for Canadian cities it is 10 per cent; for European cities it is 23 per cent; and for wealthy Asian cities it is 64 per cent. We are doing very poorly. We scrape in marginally ahead of the United States, which has some of the best traffic jams in the world.

FRETRAN released a document similar to that published by Main Roads. It dealt with some of the claims made by Main Roads.

Hon E.J. Charlton: Who is involved in FRETRAN?

Hon J.A. SCOTT: I gave the Minister a summary - the group includes a number of councillors.

Hon E.J. Charlton: I thought you would tell me who they were.

Hon J.A. SCOTT: I will give the Minister that information so that he does not feel left out. This is a good idea because it will show him how many people support the bypass. The groups are: Transport Action Coalition; North Fremantle Community Association; South Ward Community Association; Hilton Progress Association; Friends of Clontarf Hill; Friends of Manning Park Bushland; Wattleup Citizens Association; White Gum Valley Primary School P&C; White Gum Valley Precinct Group; Coogee Beach Progress Association; Kwinana Progress Association; Spearwood District Residents Association; Lake Coogee Community Committee; Hope Valley Progress Association; Fremantle Society; Kwinana Watchdog Group; Conservation Council of WA; and a group called Save Our Community. Another group in favour of the eastern bypass is the Concerned Ordinary Residents - Hampton Road.

Hon E.J. Charlton: I want to know who wrote the report.

Hon J.A. SCOTT: The convenor of that group is waiting for Hampton Road to be calmed. He hopes he can get the traffic directed somewhere else.

Hon E.J. Charlton: That is the responsibility of the council; it can calm it tomorrow.

Hon J.A. SCOTT: Can it?

Hon E.J. Charlton: Yes.

Hon J.A. SCOTT: Will the Minister write to the council along those lines?

Hon E.J. Charlton: You tell the council; you are there every week.

Hon J.A. SCOTT: I have the Minister on record saying that the Fremantle Council can calm Hampton Road tomorrow. I refer members to the failure of the Department of Transport to take heed of the warnings from the Department of the Environment about air pollution. In Perth we are now experiencing more days of photochemical smog above the World Health Organisation limit than Melbourne and Sydney. That is a disgrace. There is a direct correlation between the greater use of cars in Perth city and those levels.

A report tabled by a committee of the other place dealing with air quality -

Hon Simon O'Brien: It said the figure was eight days per year.

Hon J.A. SCOTT: It is 17 days per year.

Hon Simon O'Brien: I read it a few minutes ago.

Hon J.A. SCOTT: It is 17 days per year. Rather than tackling the air pollution problems in the sensible way - that is, by reducing the level of pollution coming from prime sources - this Minister already spends a greater percentage of our money on roads than any other Minister in the world.

Hon E.J. Charlton: You mean per head of population.

Hon J.A. SCOTT: As a percentage of our pay packet, every week we pay more in Perth than do the residents of any other city in the world. It is an extraordinary figure. It is not a small margin, yet the Minister still fails to acknowledge that he is spending too much on urban roads.

Several members interjected.

The DEPUTY PRESIDENT: There is a subdebate going on here. Hon Jim Scott is addressing us.

Hon J.A. SCOTT: While the Department of Environmental Protection and the Transport Department are saying that we should be reducing the use of private cars, the 5 November edition of *The West Australian* quotes Minister Charlton under the heading of "Charlton push for \$52 car fee rise" as follows -

Motorists face an increase of \$52 a year to licence the family car under a plan by Transport Minister Eric Charlton to raise cash for more roads.

Hon E.J. Charlton: You would be in favour of that. That will make them leave their cars at home.

Hon J.A. SCOTT: Not to raise cash for more roads.

Hon E.J. Charlton: Put them on public transport.

Hon J.A. SCOTT: Yes. The article also states -

And truck operators stand to lose the 25 per cent discount on road charges granted to vehicles that work in WA.

Mr Charlton said the moves were possible solutions to WA's \$850 million road-funding crisis.

Even though we are spending more than any other city in the world, we have an \$850m road funding crisis. Why? The answer is very easy: When we have more roads than anyone else we obviously need to do more road maintenance and therefore we spend more money. We are spending far too much on roads. We should be reducing our road infrastructure not increasing it. I refer members again to the response to the Department of Main Roads' misleading information. The eastern bypass study done by the City of Fremantle and FRETRAN points out that the report published by Main Roads is deceitful. It makes five key points -

**It suggests Stock Road is not a good option whereas Stock Road is the bypass.**

Stock Road was built as a truck route and functions as this now. Less than 10% of truck traffic to the port uses Hampton Rd. The Fremantle Eastern Bypass would have the same number of traffic lights as Stock Road.

Stock Road is more than adequate as the Bypass, especially if some simple engineering improvements the intersections at Leach Highway/Stirling Highway and Leach Highway/Stock Road are made.

To shift trucks and traffic from Stock Road to the Fremantle Eastern Bypass is a complete waste of money.

Yet again reference is made to the waste of money. To continue -

The motivation must be the need for a Coastal Highway to take traffic off the Freeway.

**2. It does not come clean on the Western Suburbs Highway**

There is no mention of this highway which, as the diagram on the back page shows, has the Fremantle Eastern Bypass as its major link. The Highway is designed to take traffic off the Mitchell Freeway at Innaloo and to take it through the Western Suburbs all the way to Rockingham and beyond.

Hon E.J. Charlton: You know that is wrong and you keep peddling it.

Hon J.A. SCOTT: I know it is right. It is the Minister who is misleading people about this.

*Point of Order*

Hon E.J. CHARLTON: I challenge the member to substantiate, anywhere and at any time, his statement that I am misleading the people of Western Australia about the western suburbs highway. I have been misrepresented by him and other people and I ask him to demonstrate how I have misled the people of this State.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): There is no point of order. It sounds more like a point of contradiction.

*Debate Resumed*

Hon J.A. SCOTT: It is interesting that a few days ago I attended a meeting with officers from the Ministry for Planning and they repeatedly referred to this highway as the western suburbs highway. I told them to be careful because if the Minister for Transport heard what they are saying he would wash their mouths out.

Hon E.J. Charlton: It is part of the Stephenson plan that was released many years ago.

Hon J.A. SCOTT: It is interesting that the Minister is trying to put the Stephenson plan in place because it is more than 30 years old. It is closer to 50 years old.

Hon E.J. Charlton: I have \$2 billion worth of roads to build and that is not one of them.

Hon J.A. SCOTT: The Minister said that Servetus Street is not being widened and he will never widen Curtin Avenue, put a road at Port Beach nor link that road to the Stirling Bridge. He also said he will not join the eastern bypass, as he calls it, to Stirling Highway nor join the Rockingham-Fremantle controlled access highway to it. He says they will be discrete roads that will never meet. It will be interesting to see how people drive along them.

Hon E.J. Charlton: Of course we will link them you dill; we are doing it now.

Hon J.A. SCOTT: The Minister should not keep telling these whoppers.

Hon Ken Travers: He just said they will be linked.

Hon J.A. SCOTT: The Minister says it is not the western suburbs highway, but is the joining of the Rockingham-Fremantle controlled access highway, the eastern bypass, Stirling Highway, Curtin Avenue and Servetus Street through to Innaloo.

Hon E.J. Charlton: Fremantle is south - did you hear me?

Hon J.A. SCOTT: So it is not joining onto Stirling Highway. The eastern bypass already joins Stirling Highway at the Stirling Bridge!

Hon E.J. Charlton: It is linked to Kununurra as well.

Hon J.A. SCOTT: I am saying a direct line - it follows straight on. The Minister should not try to mislead members. The Ministry for Planning understands there is a western suburbs highway, but it has not told the Minister. Sooner or later he will wake up. If he talks to the officers at the Ministry for Planning they will tell him about it.

Hon Ken Travers: It is not the highway envisaged by the Stephenson plan because it went from Fremantle to Stirling. The Minister's plan goes from Rockingham to Stirling.

Hon J.A. SCOTT: Is that what it is. Point 3 of the document reads -

**It does not show the impacts of Fremantle Eastern Bypass on the roads to the South**

The Main Roads traffic projections show 40,000 vehicles in the year 2021 on the Fremantle Eastern Bypass going nowhere. They are pushed into Roe Highway and the Fremantle-Rockingham Highway, roads which are not planned to be built yet. The aerial photo shows the Fremantle Eastern Bypass going into Cockburn Road with a junction on Hamilton/Rockingham Road. This is where the traffic will rapidly grow.

Building the other roads will cost hundreds of millions of dollars. Meanwhile traffic from Stock Road will be channelled into Cockburn residential streets.

4. It does not deal honestly with Clontarf Hill

The aerial photograph and the simulated photo show the Fremantle Eastern Bypass going through a tunnel under Clontarf Hill. The caption says 'Clontarf Hill with Tunnel Option'.

Another tunnel. To continue -

This would suggest to most people that they are going to do this. However, the discussion reveals that they have no intention of doing this but would blast a trench through and then rebuild the hill. This '**virtual conservation**' is no longer acceptable.

There is also no costing of this approach in the \$29m (which is just a standard road building estimate of \$7.4m per km).

Note that the total cost of the Northern Suburbs Railway was \$6.8m per km.

5. **The concern for heritage on Hampton Road is false**

Great concern is expressed for the heritage buildings in Hampton Road. Yet Main Roads destroyed 55 heritage buildings in the Northbridge Tunnel alignment. They suppressed their own consultant's report on these buildings. No attempt to traffic calm Hampton Road has been made. Main Roads' credibility on heritage buildings is low.

Another segment of the response by the City of Fremantle to Main Roads is headed, "Downfalls of the Bypass - at a glance". It goes through a number of points and explains how it will not take the traffic off local streets. It states -

Main Roads' own numbers show traffic levels rising on all Fremantle streets to the same levels as they are now.

**It does not address how to reduce traffic.** It just creates another major road with 40,000 vehicles per day.

**It splits the city in two** as there are only a few cross streets and the road will be physically uncrossable elsewhere.

**It is going to bring extra traffic through Fremantle** and all the coastal suburbs as it is part of the major new highway from Innaloo to Rockingham.

We will not call it the western suburbs highway today for the Minister's sake; we know it is really the Dalkeith bypass. To continue -

**It denies that Stock Road is already the main functioning Bypass.** The Bypass will take traffic off this already perfectly functional truck route.

**It is misleading by talking about a tunnel under Clontarf Hill as it only intends to destroy the hill and rebuild it afterwards.**

**It has many extra social and environmental costs** which in annual terms are worth \$27m per year.

**It will have many local impacts that are not easy to quantify;** for example loss of playing fields at White Gum Valley Primary School.

**It does not reduce travel time, emissions or accidents overall as it creates more traffic and more urban sprawl due to faster roads.**

Hon Simon O'Brien: It does not create more traffic.

Hon J.A. SCOTT: It does create more traffic.

Hon E.J. Charlton: Do you think people will want to drive on this new road?

The DEPUTY PRESIDENT: Order! Hon Jim Scott is receiving far too much assistance with his speech.

Hon J.A. SCOTT: I could say a lot more about this. I want to get on to the misuse of information and untrue statements.

Hon E.J. Charlton: You will be an expert on that.

Hon J.A. SCOTT: Let us look at the answers to questions I have received from the Minister. The Minister has proposed a railway line to be built from Kenwick to Rockingham. It is beautifully designed to go underneath the heavy populated areas of the urban part of the city and skates along the edge of the semi-rural areas like the Jandakot water mound and airport.

Hon Ken Travers: Is it a tourist railway?

Hon J.A. SCOTT: No, it is avoiding passengers. It will service a nice new development at Thomsons Lake!

Hon E.J. Charlton: Do you know with whom I spent an hour this morning?

Hon J.A. SCOTT: I could have a guess. It was not the Minister's shrink?

The DEPUTY PRESIDENT: Order! I remind members it is not guessing time or question time.

Hon J.A. SCOTT: I was talking about the railway. I was amazed by this railway choice through Kenwick and I read statements in the paper about how only one in four people from the south travel through Fremantle; therefore, it would be better to put the railway line through Kenwick. My question was an attempt to find out from the Minister for Transport how many people travel to Kenwick, because Kenwick is on the opposite side of Fremantle; it is further away from Rockingham as the crow flies. I was pretty sure that not a lot of people travelled to Kenwick, so I asked some questions which were designed to find out where people travelled.

Hon E.J. Charlton: You asked how many people wanted to go to Kenwick.

Hon J.A. SCOTT: The Minister's answers were very deceptive.



Hon N.F. Moore: Your questions were deceptive.

Hon Peter Foss interjected.

Hon J.A. SCOTT: My questions were not ambiguous.

Hon Peter Foss: That is refreshing change.

Hon E.J. Charlton: Can you find these questions?

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The Ministry will come to order.

Hon J.A. SCOTT: I am not sure from listening to the Attorney General's speeches that he understands what ambiguous means. Question 646 read -

I refer the Minister to his media statement of 7 August on the development of a master plan to build a Kenwick to Jandakot railway line . . . in which he stated "Our surveys have shown that projected passenger numbers already justify a Kenwick-Jandakot service" and ask -

- (1) Will the Minister table these surveys?
- (2) Does the survey show how many people travel daily between Rockingham and the Jandakot-Kenwick area and if so, how many?
- (3) Does the department have daily travel figures for journeys between Rockingham and the Fremantle-Cockburn area?

They are pretty straightforward questions.

Hon Peter Foss: You have missed the point.

Hon J.A. SCOTT: My question continues -

- (4) If yes, how many people travel daily between Rockingham and the Fremantle-Cockburn area?

I wanted a comparison between Fremantle-Cockburn-Rockingham area and the numbers travelling via the alternative route.

Hon Peter Foss: You are making an assumption. You always make an assumption before you ask a question, so you get the wrong answer.

Hon E.J. Charlton interjected.

Hon J.A. SCOTT: Yes, I am making an assumption. The Minister wants to jump in before he hears the answers. The Minister replied -

I thank the member for some notice of this question. The member referred to the number of times this announcement has been made. I advise members that the first announcement 12 months ago was to the effect that planning had been identified for the alignment of the railway . . .

That part was not correct, by the way. The Minister has given four different answers. However, I can understand that the Minister would not remember that.

Hon E.J. Charlton: Some people you have to tell half a dozen times and they still do not understand it.

Hon J.A. SCOTT: I have all the press releases that I can show the Minister. To continue -

Yes. I refer the member to some statistics which I shall seek leave to table. The forecasts for Jandakot-Kenwick for the year 2006 -

Hon E.J. Charlton: As I told the member then: There is no road, railway, or public transport, that is why we are talking about building one; silly man.

The DEPUTY PRESIDENT: Order! The Minister for Transport will come to order.

Hon J.A. SCOTT: Thank you, Mr Deputy President. The question was to find out how many people chose to go from the Jandakot-Kenwick area from Rockingham.

Hon Peter Foss: It is a silly question. It shows that you do not understand.

Hon J.A. SCOTT: It may be silly for the Attorney.

Hon E.J. Charlton: The train is going to Perth not Kenwick.

Hon J.A. SCOTT: I will tell both Ministers who are interjecting so loudly, that Fremantle is connected to Perth by a rail line already, as is Kenwick. They are both equidistant from Perth and about the same distance north, although Fremantle is closer in a straight line because it is on the coast. A rail line goes all the way down to Kwinana.

Hon Peter Foss: He has explained that to you.

Hon J.A. SCOTT: I do not want the Attorney General to explain, I want him to listen. It is not his turn; it is mine.

The DEPUTY PRESIDENT: Order! Hon Jim Scott is correct in addressing the Minister: It is not the Minister's turn.

Hon J.A. SCOTT: Government members are frightened of the facts. In order to cater for transport needs one must know where people want to travel. If we want people to use an alternative form of travel to cars we look at where they are travelling in their cars. I asked whether they were going to Fremantle or to Kenwick.

Hon E.J. Charlton interjected.

Hon J.A. SCOTT: I would like the Minister to keep quiet and listen, because I am running out of time. The Minister does not want to hear this. The Minister gave me the estimates for 2006, after he has put in a rail line. The Minister says that people from Rockingham will travel more often to Jandakot when the railway line is constructed than they currently travel to Fremantle. Of course they will if the main transport routes go straight to Kenwick - even if they have no desire to go there now. There are roads from Kenwick down to Rockingham. I have travelled from Kenwick to Rockingham.

I asked the Minister another question. I asked him to table the surveys from which he got these figures. I asked whether the survey showed how many people travel daily between Rockingham and the Jandakot-Kenwick area. The Minister's survey turned out to be a single page of estimates on travel between Thornlie on Spencer Road, Nicholson Road, Canningvale Avenue and Karel Avenue into Kenwick in 2006 after the railway had been constructed.

Hon E.J. Charlton: That is what you asked for.

Hon J.A. SCOTT: That is not what I asked. I asked what was happening now and not about some imaginary people that the Minister is catering to for his developer mates at Thomsons Lake. The reality is that the people do not travel that way. In fact, it is not true that only one in four people travel to Fremantle from that area. I telephoned William Ross who read out the Department of Transport figures on where people travel - 160 000 vehicles a day travel on the Kwinana Freeway; the number of vehicles travelling north on the freeway at Mt Henry Bridge is 90 000; and at the rail bridge at South Lake only 22 000 travel north along this route.

If we look south from that point where Leach Highway and Forrest Road meet - it continues to be Forrest Road even though it does a right hand loop - 30 000 people travel along Rockingham Road towards Cockburn and Fremantle; Cockburn Road has 16 000 and Forrest Road has 16 000. That is a total of 62 000 people compared with 22 000 going the other way. The Minister has not given me the truth.

Hon Tom Helm: He has been telling porkies.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: More people travel up those routes than travel north up the freeway from that direction. That shows the Minister is wrong about the railway. A rider on this document states "underestimated due to the very poor quality of land use data - treat with caution". Is that a good document to base one's planning on? The averages were worked out on the basis of the number of people using six selected stations. In answer to follow up questions, the Minister said this data was used to obtain those figures. The figures indicate the number of people who board trains each day at the following stations: Warwick, 5 100; Whitfords, 4 700; Fremantle, 4 400; Midland, 3 400; Stirling, 2 900; and Joondalup, 2 500. Not one of those stations is on the Kenwick line. How can a calculation be made from those figures of the number of people who will use the service from Thornlie, Nicholson Road, Canning Vale, Karel Avenue and so on? It is a joke. They are not real figures. They are pulled out of the air to mislead people. The figures are as rubbery as they can be.

Hon E.J. Charlton: It is easy to mislead you because you are so incompetent.

Hon J.A. SCOTT: They were pulled out of the air, in the same way that the Minister's answers were about the cost of upgrading Stock Road. The Minister provided an answer that referred to upgrading Stock Road to six lanes, with a split level intersection at every intersection. That is not required. It needs only to be upgraded to the same level

as the Rockingham controlled access highway. If the Minister had looked at the real scenario, he would know it was much cheaper. The Minister is wasting money, polluting the city and providing a lousy transport system in this State.

I seek leave to table "A Critical Review of the Fremantle Eastern Bypass Summary Report" for members' benefit.

Leave granted. [See paper No 1124.]

**HON TOM HELM** (Mining and Pastoral) [3.01 pm]: I support the proposition that this Bill should be read a second time, and I do so for the following reasons. I remind the House that we are debating an appropriation Bill, which comes before this place to provide funds to the Government to make the State a better place and to fulfil the mandate given to this Government on election day. I emphasise that it is about benefits to the State, and enabling the Government to use taxpayers' funds to pursue the philosophies espoused and promises made on election day 1966. I put that to one side and look at the facts.

Although this Government will need this appropriation of funds, we have seen it spending money in some ridiculous situations. I have examined the way this Government and its comrades in Canberra are misusing taxpayers' funds and taking this country down a very dangerous and rocky road towards a federal election, aided and abetted by the plant pots on the other side of the Chamber who cannot see the forthcoming dangers for this nation.

The House will recall that headlines appeared in the Press in Australia and overseas when Australia refused to sign some human rights clauses attached to trade agreements that the European commission wanted Australia to sign. There was comment in the paper about the reason for not signing those clauses, because everyone else had signed them. I take members back to comments made by Noel Pearson, who is currently in the headlines with regard to the Wik decision, the Mabo decisions and the land rights of indigenous people. Some time ago he warned Australians of a secret plot and a sinister motive behind Australia's refusal to sign those agreements. We now know the reason for that.

Hugh Kerr, a European parliamentarian, addressed people in Canberra the day before yesterday and made it clear that the Europeans are very concerned about Australia's attitude to the Wik High Court and Mabo decisions. Members will also be aware of this whole attitude -

Hon Max Evans: Give him five minutes.

Hon TOM HELM: The Minister for Finance will listen to this. If he has any influence over his mates in Canberra, he should use it because otherwise we will all suffer. This State will suffer more than any other, but it will affect the whole country. The Minister should keep his mouth closed and his ears open. I ask him to please help.

This issue was brought to our attention by Hugh Kerr, the parliamentarian from Europe, who mentioned a number of matters and received a facetious response from the Deputy Prime Minister about a group of indigenous people in Finland having land rights over Denmark. I lost the point after a while. The Deputy Prime Minister said that they should look after their backyard and Australia would look after its backyard. The difference is that Australia sends most of its goods to Europe and asks it to buy Australian resources. Australia says it will try to guarantee supply of those resources and to make them the best and cheapest in the world. The European countries say that is not a problem but, in return, Australia must agree to the human rights of the people who live in this nation. The Europeans are suspicious of Australia's ability to give those human rights to all Australians.

Hon Greg Smith: There would be very few countries with better human rights than we have.

Hon TOM HELM: I agree, and we should keep it that way. Hon Greg Smith's intellect is mind boggling. He says we have the best human rights in the world. The whole point of my comments is that Australia is trading because its human rights are among the best, and it wants to continue to trade. I cannot understand why Australia is not happy to sign the human rights clauses. What is the Government frightened of? At the time I did not understand, and we did not know about the High Court decision on Wik. It was anticipated that the Mabo decisions would sort things out.

In my neck of the woods exploration and mining companies negotiate with Aboriginal groups all the time. It is not a problem. We are aware of agreements that have been signed. Hamersley Iron Pty Ltd has one of the worst records of iron producers in this State - after Robe River Iron and Associates - in its relationship with its work force but it cannot be faulted on the way it has negotiated with Aboriginal people on Yandicoogina and Marandoo. These are huge sites and the negotiations sailed through. It was a major recognition of the civil rights of people. Hamersley is a major exporter. Rio Tinto Zinc Ltd is the major mining house in the world. It has signed agreements with Aboriginal people. What is the problem with the Australian Government? That provides the background.

Hugh Kerr in Canberra said he was worried about the progress on the Wik issue, and he was slagged by the Deputy Prime Minister. Yesterday we learnt that this delegation, comprising politicians across the political spectrum from

the whole of the European bloc, will travel around Australia and check things out for itself. I understand the delegates will go to the Kimberley, initially to talk to the Kimberley Land Council and a group called Rubibi, which successfully concluded agreements with the State Government and the Broome Shire Council. Rubibi is a well recognised traditional group that represents Aboriginal people in the Broome area.

The Kimberley Land Council is statutorily recognised as representing Aboriginal people in almost all land claims in the Kimberley. It seems perfectly sensible to me that the delegation should have visited that council. Peter Yu, the executive director of the Kimberley Land Council, is well respected. Notwithstanding that he has different views from some of us, his views are respected by both indigenous and non-indigenous people.

We then find out that, having travelled from Canberra, this group of European politicians became too tired to meet with the Kimberley Land Council and the members of Rubibi. The meeting had to be cancelled because the members of the delegation were worn out. We also found out that Graeme Campbell was given responsibility for hosting this visit. We cannot find out whether that privilege was given to him by the Deputy Prime Minister, in his capacity as the Minister for Trade, or the Prime Minister.

It seems that the tiredness of these politicians did not prevent them from meeting Dicky Cox whom I have known for some time. He is the chairman of the Noonkanbah community. He is one of a handful of people in this State who is opposed to Mabo, land rights, the rights of indigenous people, etc. I do not have a problem with that; he is entitled to his view. We would be hard pressed to find an Aboriginal person in this State, particularly one who lived in the bush, who is opposed to land rights and the rights given to indigenous people under the Mabo and the Wik decisions.

It is a mite coincidental that this delegation of European politicians was too tired to meet with the Kimberley Land Council, a group which represents the people of the Kimberley on almost all land issues, and with Rubibi which has successfully concluded negotiations with the State Government and the Shire of Broome about land matters in and around the Broome township; yet it was not too tired to talk with Dicky Cox. This must stretch our mind a little and make us think a little. We have one excellent Liberal senator in this State - I might get shot for saying that - and we also have excellent Labor senators. Why would a person who is recognised as being aligned with Pauline Hanson be chosen to host this delegation?

Hon Simon O'Brien: Senator Lightfoot?

Hon TOM HELM: I would rather have him, with all of his faults, than Graeme Campbell, who is recognised as fighting for the same constituency Pauline Hanson is going after because he has not made it on his own.

Hon Simon O'Brien: And re-endorsed by the Labor Party on numerous occasions.

Hon TOM HELM: We are sorry about that! If I can formally apologise for that, I will. As an aside, I stood against Graeme Campbell for preselection because of the way I felt about those sorts of issues.

Hon B.K. Donaldson: You did not miss out by much.

Hon TOM HELM: I was beaten very narrowly.

Hon B.K. Donaldson: You are so grateful to be in this House at the moment.

Hon TOM HELM: Nonetheless, I am a Labor Party person, and I accept the decision; but in hindsight, I am sorry it happened that way. That is the best I can say. I will return to the European delegation. As I was saying, these politicians were not too tired to go to Noonkanbah and talk with Dicky Cox. By this time, the members of the delegation must have been really worn out. They went to Fitzroy River Lodge Pty Ltd to stay for the night. If members go to the Kimberley, I recommend that they not leave the area without staying at the Fitzroy River Lodge. It is a wonderful place, located in a spectacular setting. It offers a range of accommodation, including that in the three-star or four-star rating, for backpackers, for campers in a tent city, and for those wishing to stay in a motel. At least the European delegation had a chance to rest on their own in the Fitzroy River Lodge. If I were a cynic, I might perhaps say that something suspicious was going on.

We often see programs on television like "Home and Away" and movies like "Crocodile Dundee". We also read articles in newspapers about the problems facing Aboriginal people who think those problems are very real and that they have rights in this country. By comparison, we have a representative in the United Nations which slags off at people about their attitude to civil rights. Under the UN umbrella we provide troops as peacekeepers. We are up there with most other nations, talking about fighting for the rights of people in different nations. People from overseas suspect we have problems of our own at home. How do we deal with those problems?

I would not mind if members of this delegation were here for a week and saw Dicky Cox and others like him in this State. However, they should also see people from the other side of the issue. Surely we will not kid ourselves that

most of the indigenous people in this State do not agree with the Mabo and Wik issues. Surely we will not say that it is a marginal issue and that only a small minority agrees with it. Why is it that these people have travelled 12 000 miles to a country and get to meet only Dicky Cox? He is unique. He is a stockman. He is a nice fellow. His views are different from those of most people, but what is wrong with that? I do not have a problem with it.

Hon Greg Smith: He must be a racist.

Hon TOM HELM: I do not know whether he is, or not.

Hon Greg Smith: Everyone who agrees with the native title legislation is!

Hon TOM HELM: I am not talking about labels. If I were Hon Greg Smith, I would not say too much. He should just sit quietly and pay attention. I am not bandying the term "racist" around in here. Labels do not mean a lot. I think people who label others in that way are devoid of any constructive ideas, rather than being able to express them. I had the opportunity to have a discussion with Dicky Cox about his views. I am well aware of them. That is really not the point.

It is fair to say that Western Australia is the State most affected by the Mabo and Wik decisions; therefore, members of this delegation should come here. However, they should be exposed to as many aspects of the argument as possible. In the first instance, I do not think they should meet only a select few. The opportunity to meet one of the most respected Aboriginal spokespeople in Peter Yu should not pass them by. He is well respected. He has never been accused of calling anyone racist scum. He is quite a reasonable, sensible, level-headed person. He is nearly good enough to join the Australian Labor Party; however, the delegation did not get to meet him. That is very odd.

Hon Simon O'Brien: He is not good enough; he is only nearly good enough!

Hon TOM HELM: He is not bad. He was appointed to the indigenous working group by Prime Minister Howard. He is on a number of government bodies. I am sure he has just been appointed by this State Government to the Kimberley Development Commission. That is a sensible appointment, but he is still not good enough to meet with this mob from Europe who have some concerns about how we behave in relation to this issue in Australia and whether we are proper people with whom to trade.

Hon Simon O'Brien: Are you comfortable with delegations coming from Europe on the basis that they will make commercial decisions?

Hon TOM HELM: That is a good question! I do not know whether I would be comfortable if I said, "Give us your money and I will give you some goods." On the other hand, they may say to us that they have the money and we have the goods, but they do not know whether we are the proper people to deal with. They may say that within the international community we do not have the credentials we claim to have. That returns me to Hon Greg Smith's point: Internationally, we have proved ourselves to be good world citizens. We play our part, in every respect.

Hon Simon O'Brien: Don't you recognise that occasionally we have problems with a group that is not answerable to us, as electors. That group can visit this country, and can be taken to an Aboriginal camp and see broken glass, dysfunctional families, inadequate or broken down vehicles and services. Then those people run screaming to the media in their country that we are not looking after our people - when you and I know that is not necessarily the case.

The PRESIDENT: Order!

Hon TOM HELM: The description of broken glass, and people running around with no soles on their shoes and the backsides out of their trousers reminds me of Liverpool. I am ashamed to see some of the conditions that visitors could be exposed to, and it would annoy me very much if they went home with that impression -

Hon Simon O'Brien: Because there is more to the story!

The PRESIDENT: Order!

Hon TOM HELM: Surely, the issue is that we are being accused of doing nothing about that situation. We are being accused of not caring. Sometimes I am very pleased with the different views people take after visiting remote communities - the very communities where they see certain things that I wish they had not seen. Not only visitors from overseas visit those communities. I recall that the President of the Australian Medical Association visited remote communities and came away with a different view about how to address Aboriginal health. I would be very angry and ashamed if the only thing people knew about Australia was what was going on in indigenous communities. However, my shame would not be as great as the shame I feel when I see an article in the newspaper stating that Australia cannot sign a document confirming that we will look after people's civil rights.

Hon Simon O'Brien interjected.

Hon TOM HELM: Australia is the only nation that has not signed those trade agreements. I think even Russia trades with the European bloc, but we will not have those same rights.

Hon Greg Smith: What part of the agreement did Australia not want to sign?

Hon TOM HELM: I do not have any documentation, but the member will recall the newspaper headlines stating that Australia would not sign a trade agreement -

Hon Max Evans: You should never sign a blank cheque!

Hon TOM HELM: Sometimes I wonder who I am talking to -

The PRESIDENT: Order! I will tell the member who he is talking to: He is talking to the Chair!

Hon TOM HELM: Mr President, if members think that I am making this up, they have plenty of time to tell me so. However, I recall reading a newspaper article and seeing a television program which caused a bit of alarm and despondency. It was said that Australia could not sign a certain trade agreement because a clause relating to civil rights in that agreement was obnoxious - in Australia's eyes. There may be a legitimate reason for not signing, and if any member can discover that reason, I will be the first to apologise. I do not say that Australia has nothing to be proud of. It certainly does. I am saying that, at the time, Noel Pearson said that something shifty was going on. He said that there must be a sinister motive. Who would know?

I suspect this has something to do with the way the Wik decision is being handled at the moment. It is also to do with Richard Court's challenge to the Mabo decision - that \$13m challenge that went nowhere! It is also to do with the fact that some prominent people in this nation cannot come to terms with the fact that our indigenous people deserve to be treated as equals. We should consider the way in which Aboriginal people have been treated for the past 200 years since their land was invaded by non-indigenous people. We should come to terms with that situation and handle it properly. A few prominent people in this nation cannot do that.

I have sympathy with the church leaders, Aboriginal people and others who are very concerned that we will have a racial election - which would be completely foreign to us, if we went down that track. We should pull back a little. The stunt pulled in the Kimberley recently will do us no good.

Hon Greg Smith: What part of the federal amendments do not apply?

Hon TOM HELM: Through you, Mr President, I will ask a rhetorical question: Does any member in this place know whether Aboriginal people are allowed to enter Iona station?

Hon Greg Smith: They are.

Hon TOM HELM: If it is good enough for Iona station to allow Aboriginal people to enter that land, what is wrong with the rest of the stations doing the same thing - under the terms of the Wik agreement, where pastoral enterprises have priority over native title rights? I am no genius; I cannot possibly make any detailed comment on the Wik decision. However, no matter what we do we must handle native title better than we are at present.

Hon Greg Smith interjected.

Hon TOM HELM: The member may think that, and I may think that; the trouble is that Aboriginal people think that, and so does Deputy Prime Minister Tim Fischer. I think a reference was made to buckets full of extinguishment - but I will not enter that debate.

I raise these issues so that I can explain to the House that these sorts of stunts do not do us any good. Visitors from Europe may return home and say that everything in Australia is quite sound. They might think that the demonstrators in Canberra are just a bunch of do gooders, bleeding hearts and black fellas who do not represent most Australian people. A true representative of Australia is Dickie Cox at the Fitzroy River Lodge. It is a great place to visit. If visitors return to Europe with positive ideas about Australia, all will be fine, until they open an edition of *The Age* or any other newspaper, or see a television program which shows that our Olympic program is in trouble, or that the Olympic Games are not running smoothly because a large number of our indigenous people have decided to take some direct action. I do not think they should do that.

I hope that more moderate voices will prevail in indigenous society. For that to happen, we must show some leadership; we must show our Prime Minister, Deputy Prime Minister, and our Premier that these matters can be dealt with in a better way. I would not ask them to go to Finland or to America, or to anywhere else in the world. I would ask them to go to Rio Tinto, to Yandicoogina or Marandoo and see how things are done. These are huge developments for the State and for the mining companies. They are carried out in a harmonious way, because people sat down around the table, discussed the issues, and reached a conclusion. They did not worry about Mabo or Wik.

They just decided that black fellas had the same rights as anyone else. When they gather around the table they talk to Aborigines like decent human beings. When they reach an agreement they walk away from the table, with both parties retaining their pride.

We should not go to Canberra and give people a hard time. What is Senator Lightfoot doing? What does it do for our pride when we see the way he acts? The senator spoke about an Aboriginal industry, and repeated comments he made in this Chamber. That does not advance the debate one iota. Senator Lightfoot knows as much about the business as I do, but the difference is that I ask for the debate to be held in a more reasoned light. Australians used to consider things in that way, and it is something we can show the world that we do well; but we are losing that ability, which is dangerous.

Hon Greg Smith: They will still have the right to negotiate. They will just have to prove that native title exists, and then negotiate.

Hon John Halden: After they have been locked out for two centuries! Don't be dopey!

Hon TOM HELM: Do the blackfellas who go on the member's property have to prove native title?

Hon Greg Smith: No, but they are not negotiating. They do not have to negotiate and they will not need to do that under the amendments.

Hon TOM HELM: That is fine. If it is good enough for the member, what is wrong with everybody else? Why is the member different?

Hon Greg Smith: When there are 18 claims over one piece of land, with whom do you negotiate?

Hon TOM HELM: The member said he did not want to negotiate; he did not have a problem.

Hon Greg Smith: If you were going to negotiate.

The PRESIDENT: Order! Members will direct their comments through the Chair.

Hon TOM HELM: I know a little about the Native Title Tribunal, but we will not go into that aspect either.

Hon John Halden: Maybe you should give him a lecture; he might learn something.

Hon TOM HELM: Maybe another time; he will be here for a while yet.

The PRESIDENT: Order!

Hon TOM HELM: I doubt whether it would give Australia any short term advantage to expose those people to what could be described as a phoney set of circumstances. It will not do any good in the short term if that delegation saw one of the few Aboriginal people in Western Australia who does not support land rights. In that case, in the long term I suspect that we would be seen for what we are - that is, cheats. That will be the message to go back to Europe.

Although I believe we should look increasingly to Asia for our trade, Europe is still important to us. We are rich in resources and we should be able to sell them to whomever we like.

I resent very much that people, for example, working in the iron ore industry are asked to guarantee supply, sign no-strike clauses, sign contracts, and work when and where required. They are not doing it for free, obviously. However, this is happening because our competitors in Venezuela and India are reducing the price of their iron ore, so we must also reduce the price of our product. All of those commitments can be destroyed because some plant pot from the Department of Foreign Affairs and Trade will not sign a civil rights agreement which everybody else is signing. That is a damned shame. Some people are doing their bit; others are refusing to do theirs. In the few minutes remaining -

Hon N.F. Moore: You do not have to use it all if you do not want to.

Hon TOM HELM: Is the Leader of the House enjoying my speech? Then I will continue.

I draw the attention of the House to a relevant article in the business section of yesterday's *The West Australian*. People are doing their best to blacken Noel Pearson's name. It reads-

Chevron Asiatic, the developers of a proposed \$2 billion gas pipeline from Papua New Guinea to Gladstone, has secured indigenous landowners' support for the project, with a heads of agreement signed yesterday.

The agreement covered eight Aboriginal landholder groups, whose land tracked the route of the pipeline corridor from Cape York to the central Queensland city of Gladstone.

Chevron spokesman Cliff Leggoe said the agreement signed in Cairns was a significant step but a number of other steps were required before the project would proceed.

Project participants had been negotiating with the indigenous landholder and representative bodies for the past six months.

"(Aboriginal negotiator) Noel Pearson at the end of the day pulled it all together," Mr Leggoe said.

"It was a tremendous show of good faith between indigenous landowners and business."

Details of the report agreement were confidential but reports indicated the agreement allowed for native title to be extinguished in some areas in return for jobs training and financial packages.

That is one example. The next example is rather surprising. I refer to an article in today's newspaper, which outlines that Joe Gutnick has refused to put his name to the list of prominent business people who are encouraging the Senate and the House of Representatives to allow the Wik amendments to pass quickly. First, we must understand Joe Gutnick: He could definitely not join the Australian Labor Party. He supported Benjamin Netanyahu, the Israeli Prime Minister to the maximum. I am angry that he used the profit he made from gold mined in Western Australia, as we have no gold royalty, to put in a right-wing, conservative, redneck Prime Minister who will take Israel back to where it was prior to settlement after the Second World War.

Hon N.F. Moore: Would you rather we got the royalty?

Hon TOM HELM: I would in that instance.

Hon N.F. Moore: Put your hand up when Mr Nevill puts up the proposal.

Hon TOM HELM: I would support Hon Mark Nevill in that instance, but I have some reservations about the proposal. That is Joe Gutnick.

Hon John Halden: If we are going to knock off the Government's royalty, I know where the Leader of the House will be voting. Don't worry about our members!

Hon N.F. Moore: Hon Tom Helm is worried about Mr Gutnick using the lack of a royalty to prop up the Israeli Government. He is worried about the lack of a royalty.

Hon TOM HELM: I cite that as background information. Mr Gutnick said yesterday he knew what it meant to be part of a minority: Not that he was Jewish, but that he was very rich! The article read -

Although the native title process had frustrated the mining industry, it would be unconscionable to support a Bill which was so divisive.

"I think there's a lot of positive things about it but there's a lot of unrest and dissent", Mr Gutnick said.

"There's no question the system has to be corrected. The Native Title Tribunal has not worked."

We are not talking about someone who could be on this side of the House. He has his own views about these matters. I suspect that Joe Gutnick and his group of companies are negotiating very well with Aboriginal people in this State. A successful gold miner is telling people to hold off on this course being pursued in relation to Wik.

Hon N.F. Moore: Who wrote the story?

Hon TOM HELM: Catherine Fitzpatrick. Does the Leader of the House know her?

Hon N.F. Moore: No. It is just that some journalists from *The West Australian* are not exactly accurate.

Hon TOM HELM: The story is from Melbourne. The article is worth bringing to the attention of the House in this debate. If any member thinks that part of this story is fanciful, he or she should phone the Kimberley Land Council in Derby. That office put the package together for the European politicians. Wendy Attenborough can be contacted on (08) 919 36199 and she would be happy to verify the arrangements made for those people and the way their arrangements were changed. As she is in Derby and knows what is going on, she can verify what I have been saying. I support the Bill.

[Resolved, that the House continue to sit beyond 5.00 pm.]

**HON CHERYL DAVENPORT** (South Metropolitan) [3.40 pm]: I acknowledge the tabling this morning in the House by the Minister for Transport of the report of the Adoption Legislative Review Committee, which is the final report on the Adoption Act 1994. Some members will recall that during debate on the Adoption Bill in 1994 I moved that a particular part of it dealing with information and contact vetoes be referred to the Legislation Committee.



Towards the end of 1994 the Legislation Committee brought back to this House a unanimous report that recommended the abolition of vetoes on information and also the phasing out of contact vetoes over a 10 year period. Subsequent to that, the then Minister for Family and Children's Services, Hon Roger Nicholls, chose to ignore the report of the Legislation Committee and said that the matter would be referred to the Adoption Legislative Review Committee - two years after the Act was proclaimed. The review by that committee has duly taken place.

During 1995 I introduced a private member's Bill which reflected the views of the Legislation Committee. It is on behalf of certainly three members of that committee that I offer my congratulations to the Adoption Legislative Review Committee for the work it has done over the past 12 months. When I introduced my Adoption Amendment Bill in 1995, three members of this House who were members of the Legislation Committee were very committed to seeing that legislation go through. Members may recall that the second reading was agreed to. I congratulate the then Chairman of the Legislation Committee, Hon Derrick Tomlinson, for his integrity and commitment to that legislation and for the fact that he crossed the floor to support my private member's Bill.

The Adoption Legislative Review Committee has made 86 recommendations but I will not canvass all of them. When the committee called for submissions, I chose to make a submission based on the recommendations of the Legislation Committee Report of 1994. I am pleased that in effect both recommendations have been picked up by the review committee. Although its recommendations do not reflect totally what the Legislation Committee recommended, they are very close. Under chapter 13, which is entitled "Access to adoption information", recommendations 47 and 48, referring to information vetoes, read as follows -

That with respect to adoptions granted under the *Adoption of Children Act 1896* the recommendation of the 1994 *Legislative Standing Committee on Legislation* relating to information vetoes be endorsed, so that the only restrictions on access to information relate to age.

**Recommendation 48**

That all provisions in the Act relating to the registration of information vetoes be repealed with the exception of section 83 which provides for an application to the Court to prevent the release of identifying information.

Although to some extent that is having two bob each way, if the Government chooses to proceed with these recommendations in the legislative form, then recommendation 47 will do what the Legislation Committee sought to do in 1994.

As regards contact vetoes, although the recommendation does not pick up totally the position taken by our committee, it does recommend something similar. Recommendations 50 and 51 relating to contact vetoes read -

That the current system of contact vetoes cease and be replaced with a no contact wish within a specified period not to exceed ten years from when the Act came into effect. That consideration be given to the development of a mechanism which will allow for safeguarding individuals against unsolicited contact.

**Recommendation 51**

That where a 'no contact' wish is registered, the person subject to the registration attend a mandatory interview before any identifying information is released to him/her, and that all parties be provided with counselling and support services.

From what I have been able to glean in the few hours that I have had access to the report today, the members of the Adoption Legislative Review Committee had many submissions which made them feel very much like the members of the Legislation Committee did after evidence was placed before us in 1994. I hope the Government will take up these recommendations.

[Continued below.]

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

**STATEMENT - BY THE PRESIDENT**

*Christmas Cocktails*

**THE PRESIDENT** (Hon George Cash): I advise all members that at 6.00 pm, the Legislative Assembly members will be taking their Christmas cocktails in the members' bar. I advise members of this in case they should inadvertently be caught at one of those tables. The Legislative Council cocktails will be taken in the President's corridor at the conclusion of our business tonight. I would hate members to think that they were only to eat the Legislative Assembly's fare.

Hon E.J. Charlton: You have two chances.

The PRESIDENT: Members do that at their peril!

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON CHERYL DAVENPORT** (South Metropolitan) [4.36 pm]: Before the afternoon suspension, I enlightened the House by explaining that the Adoption Legislative Review Committee's final report had accepted virtually all the decisions of the 1994 Legislation Committee. I place on record my thanks to both Hon John Cowdell and Hon Derrick Tomlinson for the support they gave me on this issue. I hope that before much longer the Government will make the recommended legislative changes to ensure a better Adoption Act, particularly for people affected by old Act adoptions.

As I said earlier, 86 recommendations comprise part of the this final report, so we will possibly have a significant amendment Bill before us over the next 12 months to two years. Some of the issues to be considered are amendments to adoption plans, the question of Aboriginal adoption, step-parent adoptions, inter-country adoptions, and the potential for private adoption agencies.

I caution the Government in relation to private adoption agencies. Members may well have seen the "Four Corners" program over the last weeks which told a pretty horrendous tale about a surrogacy conducted in Britain by a private surrogacy agency. We need to investigate many aspects before we go down that path.

A matter which gladdened my heart was the recommendation that the part of the Act which imposes fees for payment of pre and post-adoption services be repealed. It is not very often these days that recommendations are made that fees should be repealed. That is a move forward. I am sure that the Aboriginal children who were the subject of the stolen children report will welcome such legislative changes.

Finally, I look forward to the early introduction of an amending Bill. Ultimately, I hope it will provide answers for the over 700 adoptees who currently experience vetoes on information about their family origins. I urge the Government to move speedily to implement the legislative changes which this report has recommended.

I commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by Hon Bob Thomas.

[Continued on page 8816.]

**DAMPIER TO BUNBURY PIPELINE BILL**

*Second Reading*

Resumed from 26 November.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [4.40 pm]: I thank members who made a contribution to this debate. I thank also those members who have expressed support for the Bill which, as we have heard, is being introduced in order to allow the sale of the Dampier-Bunbury natural gas pipeline and for a number of other things; namely, to retain the corridor and to provide for an increase in the width of the corridor to allow for future pipeline access. I will quickly go through some of the matters raised by various members.

Hon Mark Nevill spoke at some length about the process that led to the sale and about the question of the Epic-AlintaGas deal. In a sense those issues are peripheral to the Bill and I do not intend to enter into a debate on them. He argued that the access terms are vague. As a result of this Bill being passed, regulations will be brought down which will provide more detail about the terms of access. Similarly, the access manual will deal with technical and procedural matters and contractual terms. Again more detail about that will be provided in the regulations once they are brought down.

The member talked about the coordinator having a quasi-regulatory capacity. That is the case; however, it is a transitory arrangement until such time as legislation is put in place to create a state based regulator. It is intended that should happen during 1998. That regulator will be independent. The member argued that there was no sunset clause in the access provisions. The access provisions of the Bill will be repealed when the legislation that mirrors the national access code is adopted in Western Australia. It is hoped to introduce that legislation next year.

Hon Helen Hodgson raised a number of matters. I was a little disappointed to hear her say words to the effect that one cannot trust the Government. I suspect that one can trust a Government because it has the same desire to achieve for Western Australia as anybody else does. Any suggestion that one particular party or organisation has a monopoly

on honesty is unfair and wrong. Past Governments have done incorrect things, but that has been due to the actions of a number of individuals rather than the Governments collectively. I have no doubt that whichever party forms the next Government of Western Australia, it will seek to be an honest Government, just as this Government has sought to be honest. If we work on the basis that everybody is dishonest, we will never do anything. We will put so many constraints, rules and regulations in the way of what the Governments do that they will eventually do nothing. That will be to the eternal disadvantage of the citizens. I am disappointed when I hear people comment that one cannot trust Governments, because one can. I have no doubt that most members of the previous Government could be trusted as well.

Hon Helen Hodgson talked about the right of the public to know certain details of the sale. We do not propose to support her amendment in respect of the tabling of the agreement. The sale agreement will contain commercial information of the utmost sensitivity to the acquirer of the pipeline. It is extremely unlikely that the acquirer would enter into an agreement which details all of the commercial provisions required from such a complex and broad group of assets. All bidders will be submitting their bids on a proposed sale agreement, although a final agreement may be amended to accommodate a higher sale price or better terms and conditions should the successful tenderer offer such alternatives. Therefore, the final agreement should not be made public. The Minister, under the Bill, must table all his directions given to effect this sale and AlintaGas will be required to provide financial details in its annual report. I am also prepared to read and table a letter I have received today from the Minister for Energy. It is addressed to me as Leader of the Government in the Legislative Council. It reads -

In relation to this Bill, when enacted the Minister for Energy undertakes to make a detailed statement to the Parliament as soon as practical after the completion of the sale of the Dampier to Bunbury Natural Gas Pipeline, to set out the substance of the Sale Agreement between AlintaGas and the acquirer of the pipeline.

That is a similar process to the one adopted when BankWest was sold. It is a device to enable Parliament to be advised by way of a ministerial statement of the details of a sale but to avoid the tabling of the document itself because of the many obvious commercially confidential matters which may be and are likely to be part of any agreement. Therefore, we do not propose to support the amendment moved by Hon Helen Hodgson in respect of this matter. I seek leave to table the paper.

Leave granted. [See paper No 1127.]

Hon N.F. MOORE: Hon Helen Hodgson also talked about part 4 being in conflict with native title. Our independent legal advice confirms that the Bill does not contravene native title. I do not propose to enter into an argument about that at the present time, other than to say that her legal advice might be different from my legal advice. I prefer my legal advice to her's. One often finds oneself in such a situation with these matters. However, the Government's view is that the process of acquiring additional land for the widened corridor and the compensation arrangements attached to it are proper and appropriate, and that is the way it should be. The member also indicated that the Treasurer's mobility to issue indemnities is too broad. The Government's view is that the Government needs flexibility in this area. In order to effect the sale AlintaGas may need to provide warranties to the acquirer and the Treasurer may need to guarantee those warranties. The Government's view is that these matters should not be only for past events, but indeed matters which can be negotiated during the sale itself.

The member raised a couple of matters regarding employees. I am advised that employees will be offered the option of transferring to the new owners. As I indicated in answer to a question today for the Minister for Energy, the Government has agreed that employees will not be disadvantaged in respect of superannuation when they transfer to the new owner.

Hon Jim Scott raised a number of matters. Essentially I got the feeling that even though he said he was supporting the Bill, he really was not. I feel that he has some problem with privatisation. He was very lukewarm in his support. I can understand where he is coming from because people have different political views. He is one who would prefer to have everything owned by the State. He is entitled to that view, but mine happens to be different.

He said that we have not got a cost benefit analysis of the deal. He needs to understand that the process is that the sale steering committee will evaluate the bids and the merits of the tender documents, but the final decision on the sale will be made by Cabinet. Therefore, the sale committee will report to Cabinet on its recommendations and Cabinet will then assess the bids and decide whether a cost benefit is to be had.

Hon J.A. Scott interjected.

Hon N.F. MOORE: The people of Western Australia periodically elect people to govern the State. They elected this Government. We have made a decision to sell the gas pipeline. We will decide as a Government whether the sale of the pipeline will have positive cost benefits for Western Australia. That is a decision that Cabinet will make, and is the proper sort of decision for it to make, based upon this Bill presumably becoming an Act and Parliament giving

the Minister the power to do the things he needs to do. That is a right and proper decision for a Government. If we make the wrong decision and sell the pipeline when we should not, we will wear the consequences of it, in the same way that the Western Australian public wore the consequences of a number of things the previous Government did with the State's finances. Decisions are quite properly made by a Government. Wrong decisions have been made in the past. I suspect in this case the right decision will be made. The member needs to understand that the final decision will be made by Cabinet, which will obviously take into account the cost benefit of the deal. If the member wants to be the Government, I suggest he get involved in a bigger party so he can get more members. When he has enough members to be half plus one, he can then make these decisions himself. That is the way the Westminster system works.

The member said that there has been too much rush. It does not matter much when a Bill gets to the House, people always say that it is being rushed. It just happens that this Bill has arrived at this time. I regret in a sense that it is the last day of the session - or potentially the last day of the session; it may not be, depending on the outcome of the rest of the afternoon. I agree more time would have been preferable. I said by way of interjection during Hon Jim Scott's speech that if members want more time, all they need to do is ask, because I am happy to accommodate anything the minor parties require.

The member talked about the loss of control of a strategic resource. I think that means: Do not privatise anything. The member must understand that the Government will retain control of the corridor and it will set the parameters for access to the corridor and the pipeline. The Coordinator of Energy has powers under a supply system emergency and can alter the priority for access to protect residential and small business consumers who rely on gas coming through the pipeline. The Government will also be able to issue rights to other parties to build gas pipelines within the corridor.

Hon Tom Helm began his speech by saying he supported the Bill and finished by saying he supported the Bill, and spent all the time in the middle saying why he was opposed to privatisation. I suspect one of the problems the Labor Party has these days is that some of its members cling to the old view that everything should be owned by the State, yet some of its more enlightened colleagues are of the view that there are times when a Government can dispose of a state owned asset and bring a net benefit to the people of the State. The member indicated his support on the basis that that was the collective view of his colleagues; however, he was really telling us that he did not support it at all. The rest of his speech was about matters that were peripheral to the Bill. He gave some credit to the Government for initiating and facilitating downstream processing. We thank him for that acknowledgment. The deregulation of energy markets in Western Australia is aimed at ensuring that cheaper energy is available for downstream processing in Western Australia. The sale of this pipeline with the resultant reduction in the price of the transmission of gas and ultimately the potential of an additional pipeline within the corridor will mean cheaper gas and cheaper energy for business in Western Australia.

Hon Mark Nevill talked about the second pipeline. The Government has indicated publicly that next year it will call for expressions of interest for a second pipeline. This Bill also provides for the broadening of the Dampier to Bunbury natural gas pipeline corridor from, I think, 30 metres to 100 metres, to allow for additional pipelines to be constructed in that corridor. The Bill provides a mechanism to ensure that that corridor is widened and, therefore, that this additional pipeline capacity can be provided in due course.

I thank members for their support. The Government does not propose to accept the amendments foreshadowed by Hon Helen Hodgson, who has a number of amendments on the Notice Paper. It is our view that they would add little to the Bill and that they contain serious impediments to the sale process. I will mention that in more detail when the time comes if the member proceeds with her amendments. The amendments are against the interests of this legislation and will do nothing to ensure that a proper sale process is concluded.

Question put and passed.

Bill read a second time.

*Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

**Clause 1: Short title -**

Hon MARK NEVILL: The process behind this Bill is disturbing for members who take their duties seriously, in the sense that this legislation builds a framework around a draft contract of sale for the Dampier to Bunbury gas pipeline which no-one has seen. We do not know what it contains. It may never be tabled, and, frankly, I do not know of any parallel where that has occurred. People said the sale of BankWest occurred and that a framework was presented

for that sale. However, with the sale of BankWest we knew all the parameters, except perhaps the final price the Government realised. It is very different from this situation in which the basis of the whole deal is unknown. I find that unsatisfactory. A little further down the track this sale could be embarrassing. The contract of sale may contain a provision that a second pipeline might not be built for six years, although I doubt whether that would occur because it would fall foul of the anti-competitive provisions of the Trade Practices Act and the other regimes dealt with by the Australian Competition and Consumer Commission. However, the uncertainty of what is in the Bill is not comforting. The Labor Party would like to have seen the draft contract of sale.

Hon N.F. Moore: So would everybody else in Western Australia.

Hon MARK NEVILL: I see no great reason why they could not. If it involves third party contracts which should not be disclosed, that can be accommodated. However, we should know the obligations and the liabilities to be incurred in this sale and the duties that will be given to the purchasers. At a basic level, we want to know what we are selling and what the purchasers are buying, including obligations under any ancillary contracts. None of us here knows. I hope the Minister knows and I hope his advisers know.

The Opposition wants to know the status of some of the other agreements under the sale of the pipeline. It would be interesting to know the status of the AlintaGas-Epic Energy Pty Ltd agreement. Has it been signed? Is it a joint venture agreement? Is it subject to Australian Competition and Consumer Commission approval. We know none of this information and it is quite disconcerting. The Democrats have proposed a number of very good amendments. However, we have been told that they would create insurmountable problems. It would be very dangerous for us to go down that track and support them because that might turn out to be correct. To a large degree it could be bluff which, if we call it, could get us into trouble. If we do nothing we avoid that problem for ourselves.

The Opposition and the Democrats have put together a set of amendments which cover the more detailed and perhaps incisive amendments Hon Helen Hodgson has on the Notice Paper. The Opposition feels very uneasy and uncomfortable with this process. We saw the Bill a fortnight ago. I spent last week in the central desert and have not had the time to thoroughly examine this Bill by myself or with my colleagues. It is with concern that we are allowing some of the aspects of the Bill to be unamended. However, later we or the Democrats will move an amendment that will give some comfort to our concerns.

Hon N.F. MOORE: The member has indicated some broad concerns about the basic process. It is necessary to go down this path in order to sell the asset to maximise the return to the State. To attract the necessary bidders some aspects of the contract require confidentiality. Hon Mark Nevill asked what was being sold. Clause 15(1)(b) requires the publishing in the *Government Gazette* of any asset or liability of the corporation that, by operation of clause 16, is to be assigned to the person specified in the order. The member will know what is being sold pursuant to that clause of the Bill.

I have already indicated whether there is a monopoly for this pipeline and the Government will be calling expressions of interest next year for a second pipeline. That intention is publicly understood. It demonstrates the Government's interest in attracting further competition on that corridor. As I said in my summing up of the second reading debate, the Bill provides for expansion of the corridor to allow for additional pipelines to be constructed if that is appropriate or necessary in the future. I also indicated that, just as the Treasurer did during the conclusion of the BankWest sale, the Minister will report to Parliament in a ministerial statement outlining the details of the contract without tabling the contract itself. In the circumstances that process will ensure we maximise the return to the State on the sale of this and at the same time maintain the necessary commercial confidentiality within this contract.

Hon HELEN HODGSON: I thank the Minister for informing us that the Minister for Resources Development will make a ministerial statement about the sale in the same way one was made about the BankWest privatisation. However, a ministerial statement is not the answer to this issue. Whenever we try to tell someone about something we include elements and aspects we think are relevant. I emphasise what "we think" are relevant. I am not suggesting there would be any intention to hide things or mislead people in any way. However, quite often people approach issues from different perspectives. While one person could be interested in the purely financial aspects of a transaction someone else might be interested in environmental protection and someone else might be interested in the social aspect. It is very difficult to see how a ministerial statement could possibly cover everything that people might want to ascertain. However, the tabling of the contract would enable everybody to discover the answers to their questions. Although I thank the Minister for his offer to make that ministerial statement, and I appreciate that it will be of great assistance to everybody in monitoring the situation, it does not go as far as the Democrats believe is necessary.

I indicated when I raised this matter that I had no intention of interfering with the tendering process, which I realise requires a certain amount of confidentiality. I heard the arguments about the need for confidentiality in the contract. I am not convinced that it is in the best interests of the State to allow those considerations to override the rights of

the public to know what is being done with the disposal of a public asset. The argument is that complete disclosure would somehow inhibit the sale of the pipeline. The pipeline is an important asset to the State and the money to be raised from the pipeline is so important that everybody should have the opportunity of learning exactly what is occurring.

In the past - I in no way suggest this is anything like the scale of WA Inc - the scrutiny of transactions of government involvement in business arrangements resulted in the cost of a royal commission and the Commission on Government. The principle of allowing the public to know what is happening is sufficiently powerful to be the dominating principle in this case. I again say that the Democrats will be pressing for tabling of the contract.

Hon N.F. MOORE: I understand and acknowledge the member's interest in totally open and accountable government, and no-one would disagree with the fundamental principle about which the member is talking. However, it is necessary in a mixed economy such as ours for Governments from time to time to enter into contractual relationships with private companies. Many private companies and people who support mixed economies have the strongly held view that from time to time there is a need for commercial confidentiality. Things only go wrong when Governments use commercial confidentiality to hide things that they know are being done improperly. There have been some examples of that in the past, but in the overall scheme of government in Western Australia since 1829 there have been few occasions when Governments have done things in a corrupt or improper way, or have used the cloak of commercial confidentiality to hide a particular transaction.

It must be accepted by all members that Governments are essentially honest and the processes of government are essentially honest and proper. As someone said a while ago, if this were a private pipeline, it would have been sold within five minutes because a private company would not have to go through all the processes that a Government must go through in order to sell a public asset.

It is proper that from time to time we acknowledge that contracts do contain confidential matters and that they should not be made public. The view of the sales steering committee on the sale of this asset is that the documents should not be made public, and it has put in place a process for the sale of the pipeline which is based upon the bidders not knowing what the conditions of the sale will be until they go into a data room, where they will all be presented with the information about the sale at the same time and will have an equal opportunity to know what they are buying.

It is also a fact of this process that the Government, through Cabinet, will make the final decision about the sale. It will come before the Cabinet, and Cabinet will make the ultimate decision. Cabinet, as the executive arm of government, will make the decision that it needs to make on the basis of what it considers to be in the best interests of Western Australia. That is a proper process and one which has worked exceptionally well in the past 99 times out of 100.

Hon Helen Hodgson suggests that the ministerial statement may be deficient in the sense that it will contain only those bits that the Minister wants to put in it and he will leave out the bits that he does not want to put in it.

Hon Helen Hodgson: The bits that he thinks are relevant, which may be different from what somebody else thinks is relevant. There is a definite difference.

Hon N.F. MOORE: He will put in the bits that he wants to put in and leave out the bits that he does not want to put in, for whatever reason. What I suggest the member do, in the event that we do not get burdened with the tabling of this agreement, is write to the Minister and outline the things that she would like to know and ask the Minister to be kind enough to include that information within his statement to the House. The Minister can then let the member know whether it is appropriate to include that in the statement. There is nothing wrong with the member doing that, and the Minister is receptive to any suggestion. Indeed, the Minister was receptive today to the proposition that he make a statement to Parliament as a result of the suggestion that we need to know more about what is happening.

The Government will not support a future amendment to be moved by the Democrats because we do not believe it is in the best interests of this deal, even though generally speaking we share the basic principles under which the member raised the proposition.

Hon MARK NEVILL: The ministerial statement on the BankWest sale did not enlighten members to a great extent. A ministerial statement can be quite rudimentary or very detailed. I ask the Minister to assure the Chamber that the ministerial statement will be comprehensive, apart from not disclosing information that is commercially sensitive, and that it will not be just a fairly cursory attempt to fulfil some commitment to assuage the Opposition.

Hon N.F. MOORE: During the second reading debate, I read out a letter from the Minister for Energy and had it tabled. I will read it again for the benefit of the member; he may have been inadvertently distracted at the time. It states -

In relation to this Bill, when enacted the Minister for Energy undertakes to make a detailed statement to Parliament as soon as practical after the completion of the sale of the Dampier to Bunbury Natural Gas Pipeline, to set out the substance of the Sale Agreement between AlintaGas and the acquirer of the pipeline.

I hope that letter and that commitment from the Minister for Energy satisfies the member's requirements.

Hon HELEN HODGSON: We are talking about ways of ensuring that the contract is made clear and open and that everybody has the opportunity to see what is going on. I draw the Minister's attention to section 58C of the Financial Administration and Audit Act which deals with the secrecy of operations and specifies that the Minister and the accountable officer of every department, and the Minister and the accountable authority of every statutory authority, shall ensure that no action is taken or omitted to be taken, and no contractual or other obligation is entered into, by or on behalf of the Minister, department or statutory authority that would prevent or inhibit the provision by the Minister to the Parliament of information concerning any conduct or operation of the department or statutory authority in such a manner and to such an extent as the Minister thinks reasonable and appropriate.

We have heard that this sale is structured in such a way that a committee is advising the Minister and that the committee is designed deliberately to ensure that the Minister is one step removed from the tendering process. However, if the Minister believed that matters should be tabled, that committee could not do anything to prevent the Minister from taking appropriate steps. If the Minister were to take advice from that committee that it was inappropriate to table certain documents, we would possibly be getting very close to the issue with which this section of the Financial Administration and Audit Act is dealing, because it refers to ensuring that the Minister provides the information to the Parliament, and that an obligation is placed upon the Minister, the department and the statutory authority to cooperate in that process.

This is a case where Parliament is asking that certain information be made available, and it is asking for it prospectively by looking at this arrangement. However, it is being told consistently that it is not appropriate that it have access to the information. I suggest there is an obligation under the Westminster system and the Financial Administration and Audit Act that the Minister cooperate in providing such information to Parliament as it requests. It is all well and good to say that it will be provided in a given format. As I have said, that format might not meet the needs of the members who want to look at the document.

I am pleased to hear the Minister say that he supports the basic principle - that is, that the public has the right to know the terms of the sale of this asset - because it is such a large and valuable public asset.

The Minister keeps returning to the fact that there have been very few instances when the Government has been found to have acted inappropriately. I am afraid that the Minister has a shorter memory than most.

Hon N.F. Moore: I don't; I have a very long memory.

Hon HELEN HODGSON: It might be true that the instances are few, but in terms of significance they are very important to the general public. There might not have been very many transactions, but those in the public's consciousness occurred within a short period. As a result, the public is very suspicious of secrecy in government dealings. We have had two inquiries - a royal commission and the Commission on Government - each of which each made significant recommendations that these transactions be fully open and accountable to the public. That is what the public is demanding. We are trying to find a way of ensuring that the public has access to what it is requesting; that is, information about things that affect public assets.

Unless certain other things develop, I intend to proceed. The principle is extremely important and it will come up again and again during our time in this place.

Hon N.F. MOORE: Section 58C of the FAAA, as I remember it, provides that we cannot pass a Bill that prevents a Minister reporting to Parliament. In other words, we cannot pass a law that prohibits a Minister from giving an answer in Parliament on behalf of himself or an agency. It does not say we must present everything to Parliament; we simply cannot pass a law saying we are not required to do so. I have no doubt that, if we were so determined and if we had the numbers in this House to require the tabling of any document, we could achieve that by virtue of the passage of a motion. I remember doing it myself once - requiring the Leader of the House to table documents in respect of a land rights inquiry. The House ordered the tabling of the documents and they were tabled.

I am not aware of anything in this Bill that contravenes section 58C of the FAAA. If there is, the member can point it out. It is the Government's intention that that agreement not be made public. However, I acknowledge that, if the House orders its tabling in due course, it must be made public. It would be a terrible shame if, by going down the path of absolute accountability, we jeopardised the sale of a very valuable asset. That sale will provide significant benefits to the people of Western Australia. Ridding ourselves of over \$1b of debt is not a bad thing; in fact, it is a very good thing for Western Australia because we will not pay the interest we are now required to pay. The State

Government is seeking to reduce the debt, not because it does not want to spend the money - it would be nice to spend \$1b and some previous Governments have done that - but because reducing the debt will reduce the interest paid annually. The benefit is paying less interest. That is the course of action this Government has taken and it has been successful in reducing debt.

I do not believe this Bill in any way contravenes the FAAA; if it does, I would like to be told. I acknowledge that if this Bill passes largely unamended, a future order of either House for the tabling of the agreement would see it tabled. If the member is contemplating that, and that is left in the minds of potential bidders, it will not improve the sale prospect at all. In fact, it would be make it extremely difficult to get the contract we believe is most appropriate and in the best interests of Western Australia. It would be extraordinary if, in the pursuit of openness and accountability, the member jeopardises the sale of an asset and costs the taxpayers of Western Australia a lot of money because we could not get the best price because people could not keep information confidential. The member is probably wrong about the FAAA matter, and I acknowledge that the agreement would be tabled if required by the House. I hope that does not happen.

Hon HELEN HODGSON: It is probably unfortunate that the Minister does not have a copy of section 58C of the FAA Act with him, because if he did he would perhaps see the point I am making. It states that the Minister cannot enter into a contract or obligation that can prevent or inhibit the provision of information by the Minister to Parliament. If one enters into a contract with a clause that of itself will inhibit that information being presented to Parliament, that would be in breach of the FAAA. I am not suggesting that this Bill is in breach. If the contract contains anything that inhibits it from being presented to Parliament, that would be in breach of the section.

Hon N.F. MOORE: My understanding of the FAAA is that if one were to do what it prevents one from doing, it is null and void if the Parliament orders that document to be tabled. It does not make any difference. That is my understanding of that section. It states -

Hon Kim Chance: The breach nullifies the effect of the Act.

Hon N.F. MOORE: If a contract contains a clause providing that it cannot be tabled in Parliament, because that is contrary to the FAAA, and someone moves that it be tabled, that must occur. So, the FAAA has effect even if we try to avoid it. The member is causing us unnecessary concern about this matter - there is no reason for concern.

Hon MARK NEVILL: This Parliament could follow the model adopted by the New Zealand Parliament. In general, there is no commercial confidentiality in New Zealand. All contracts, except schedules containing prices and sensitive material, are tabled in the New Zealand Parliament. In this State far too much secrecy is attached to these arrangements. The Dampier to Bunbury natural gas pipeline is a monopoly pipeline and it does not have any serious competitors.

Hon N.F. Moore: There could be and I indicated that.

Hon MARK NEVILL: All the arrangements associated with that, except perhaps the price people pay for the transmission of gas that they have negotiated, should be fully disclosed. During my recent visit to California in the United States and Alberta in Canada I found that in those states the information on tariffs is made public and is available on Internet sites. It is immensely more transparent than the situation in Western Australia. We seem to have a fear of letting a little bit of light on these arrangements. I do not see the need for such secrecy. Even with the Alcoa contract, which seems to be a sensitive issue, there is probably no need for the secrecy that is claimed.

I suspect many people could guess the tariffs Alcoa is paying. It had the luscious advantage of tying down its contract after a former Premier, Sir Charles Court, announced the building of the pipeline. Poor old Western Mining Corporation signed up before that announcement and was locked into very high tariffs. Alcoa had tremendous leverage because of the premature announcement and I understand its transmission rates were two or three times lower than that paid by WMC. I am sure its competitors have an idea of the tariffs it is paying.

Given that that is an historical aspect, the Opposition is not interested in the Alcoa contracts which expire in 2005. We have little to fear from open government, and if these matters are disclosed everyone will be better off. At the end of the day competition will determine the price people pay. The price people pay for transmission will depend on the volume and the length of the gas contracts.

Hon N.F. MOORE: I do not propose to go into the history of the pipeline. Contracts are entered into for lots of reasons. The pipeline was built and without it the North West Shelf project would have been an unlikely proposition if there had not been a domestic demand for gas. When members look at the nature of that project and what has come out of it, they will realise it is probably the biggest project in Western Australia's history. This pipeline was an integral part of getting it off the ground. Various deals were entered into and people expected the details to remain confidential and that is what we are seeking to preserve.



**Clause put and passed.**

**Clauses 2 to 20 put and passed.**

**Clause 21: State indemnities and guarantees -**

Hon HELEN HODGSON: I am concerned about the extent to which this clause allows the State and the Treasurer to guarantee the affairs of the purchaser of the pipeline when it is up and running. An amendment will be moved at a later stage that will deal with this matter in a better way than my amendment to this clause on the Supplementary Notice Paper. Therefore, I do not intend to move that amendment.

**Clause put and passed.**

**Clauses 22 to 49 put and passed.**

**Clause 50: Regulations for access and pricing -**

Hon HELEN HODGSON: I move -

Page 37, line 7 - To delete the words "may provide" and substitute "are to be made providing".

The purpose of this amendment is to rectify what I consider is a small drafting error. I understand the Minister believes it is unnecessary to make any changes to the clause. However, the clause requires that regulations may be made to two matters; firstly, regulations for access to, and pricing for, gas transmission capacity and, secondly, a dispute resolution process. It says that the regulations referred to in respect of the dispute resolution process may provide for a number of matters. A dispute resolution process should be something that is certain and it should be general knowledge that the legislation provides that regulations will be made in respect of that area. Therefore, the amendment would provide some certainty that a dispute resolution regime will be put in place.

Hon N.F. MOORE: The clause commences with the words "Regulations may provide", which is conventional drafting and the same words are included in many Bills. It is unnecessary to use the word "shall" because it is accepted that "may" in this context means that regulations will be provided. The member's amendment is unnecessary and the standard manner in which the clause has been drafted is the appropriate way to go.

Hon MARK NEVILL: The Australian Labor Party does not see the need for this amendment. The national gas access codes will come into force within the next few years, and I hope that we will adopt those codes for the gas industry in this State. If accepted, the amendment proposed by Hon Helen Hodgson would mean that those codes would have to be substituted completely, instead of perhaps just making a reference to them.

These regulations would provide for a referee to hear and determine disputes. That exposes a major flaw in the Government's approach. We believe there should be an independent regulator and as such the regulations relating to that matter would not appear as part of this Bill. The Government has not stated clearly what its program is for bringing in an independent regulator. We believe that legislation providing for that regulator should be here now. It is unsatisfactory to refer to gas referees under the Gas Corporation Act and a referee under this Bill. The Australian Labor Party and industry are uncomfortable with the concept of turning the Minister's advisory body, the Office of Energy, into a full blown regulator. That flexibility should remain in clause 50. We oppose the amendment.

Hon N.F. MOORE: I thank Hon Mark Nevill for his comments. The Minister for Energy announced in the Assembly today that in the new year we will legislate to adopt the national access codes. When that legislation is passed will depend on how fast the legislative process moves. The legislation for the national access codes will provide for an independent regulator. In the meantime, the Office of Energy is the referee.

**Amendment put and negated.**

**Clause put and passed.**

**Clauses 51 and 52 put and passed.**

**New clause 53 -**

Hon HELEN HODGSON: I move -

Page 41, after line 4 - To insert a new clause to stand as clause 53 -

**Auditor General to report on certain matters**

**53.** (1) The Auditor General must examine and report to the Parliament within 60 days of the settlement of the agreement contemplated in Part 3 on the following matters -

- (a) any obligations, duties or liabilities imposed on the State;
- (b) any indemnities or guarantees given by the State; and
- (c) any other matter which arises out of or is connected with the matters mentioned in paragraphs (a) and (b).

(2) If in any year any indemnity or guarantee given under subsection 21(1) remains outstanding, the Auditor General may include in his or her report under section 95 of the *Financial Administration and Audit Act 1985* a report on the extent of the liability of the State under those indemnities and guarantees.

The purpose of this amendment is to ensure that the original contract is reported to the Parliament within 60 days of settlement. The amendment refers specifically to the obligations, duties, liabilities, indemnities and guarantees in respect of the State and any other matter that is connected with those matters.

I have some concerns about the possibility of that 60 days falling outside the period that Parliament is sitting, and the process that will be followed during that time. I understand that the normal process is that it is delivered to the Presiding Officers or to the Clerks. Unfortunately, in the time available we have not come up with a solution to that and I have been unable to verify exactly whether there is an overriding provision allowing that. For the sake of resolving the matter with some level of certainty I am prepared to delete the relevant part of the proposed new clause on the understanding that a mechanism will be available to allow the Auditor General to present it to the Parliament in a timely manner if Parliament is not in session.

The second aspect of this amendment picks up the issues already raised in clause 21, which is the liability of the State under the indemnities and guarantees available. An argument has been put that those will become obvious on the signing of the contract, and that may be redundant. However, this is an ongoing issue because those indemnities and guarantees will be given at the time of the contract but may not in fact require to be drawn down upon until five or 10 years in the future. An indemnity means that if something arises that allows a person to go back to it, the quantification will not happen until the indemnification is sought. Therefore, it is a matter that requires an ongoing monitoring rather than a one-off report as in the case of the original contract.

This amendment does not go as far as the original proposals on the Supplementary Notice Paper. That is because we appreciate the difficulties in the need for certainty in resolving this matter so we do not delay the pipeline tendering process. For that reason this solution is acceptable to all parties. It will at least impose a measure of accountability because it requires independent audit by the Auditor General, who is in the best position to undertake that audit. I commend the amendment to the Committee.

Hon MARK NEVILL: The Opposition supports the amendment. It evolved from a rather tortuous process this afternoon and represents an agreement between all parties. It certainly is a compromise, and works back to the proposed amendment by the Democrats to have the agreements laid before the Parliament. The amendment will not delay the process. It will allow for transparency to a large degree, at least as the Auditor General perceives it, in the contract of sale and any ongoing indemnities and guarantees.

Hon N.F. MOORE: The Government is prepared to accept this amendment. I commend Hon Helen Hodgson on her preparedness to compromise on this issue. I know she feels strongly about a number of basic principles, as do we all, but in the practical world we must accept certain realities in order to achieve the best result. Members do not always get everything they would like. I commend Hon Helen Hodgson and Hon Mark Nevill for working through this amendment and producing a compromise which satisfies, to a reasonably large extent, their requirements, as well as those of the Government.

As an aside, I asked the member to read the clause because sometimes when amendments are drafted on the run mistakes can be made. Members may be aware that the other day we discussed the Building and Construction Industry Training Fund and Levy Collection Amendment Bill. I advised Hon Helen Hodgson that she should not proceed with a particular amendment because it would not achieve what she sought to achieve. Hon Ljiljana Ravlich's response was that I always said that, implying that I thought the member was never right. The net effect of that amendment would have been to close down the building and construction industry training fund a year ago. The message from the Assembly indicates that the sunset clause inserted by the Legislative Council would have closed it on 1 July 1996. Fortunately for those who support that BCITF, the Assembly did not accept the amendment but sent the Bill back for correction. If that had not happened, there would be no building and construction industry training fund. That would be quite ironical.

Hon Tom Stephens: You are stonewalling.

Hon N.F. MOORE: No I am not. I want to make this perfectly clear so there will be no dispute about the problems of legislating and drafting amendments on the run.

Hon Tom Stephens: Referral to committees is an attractive proposition in those circumstances.

Hon N.F. MOORE: I agree entirely, and from now on I will be happy to accept that many Bills should be sent to committees. In fact, I would be happy to send the Leader of the Opposition to a committee if that would make things work better in this place! The Government indicates its support for the amendment.

**New clause put and passed.**

**Schedule 1 -**

Hon HELEN HODGSON: I am concerned that the schedule contains no definition of "access manual". I tried to work through this matter with ministerial advisers earlier this afternoon, and I am not sure whether an amendment is proposed. I am concerned that although an access manual is referred to in the schedule, there is no indication of its purpose. I went to the second reading speech as a basis for drafting an amendment, and was told it was not adequate because this goes beyond the content of the second reading speech. That is an interesting concept because under statutory interpretation if legislation does not contain an explanation, people go to the second reading speech. If it is not explained in the second reading speech, where do people go from there?

I had proposed an amendment that would define "access manual". However, under the circumstances I do not intend to move that amendment. I would like it on the record that I think it is inadequate to include such a term in the schedule, which I understand is a quasi contractual document, without defining it. It leaves people in a very difficult position if the term ever needs to be interpreted.

**Schedule put and passed.**

**Schedules 2 to 4 put and passed.**

**Title put and passed.**

**Bill reported, with an amendment.**

By leave, Bill proceeded through remaining stages without debate and returned to the Assembly with an amendment.

**OSTEOPATHS BILL**

*Second Reading*

Resumed from 13 November.

**HON NORM KELLY** (East Metropolitan) [5.59 pm]: When debate was adjourned on this Bill a couple of weeks ago, I was in the middle of my remarks. It seems I will soon reach the end of those remarks. I reiterate that osteopaths need to be supported by a registration process in this State. Equally, masseurs in this State should be able to carry out their trade without fear of being impinged upon by the provisions of this Bill. I understand the amendments proposed by the Government will cover those concerns and, therefore, the Australian Democrats support the Bill.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [6.00 pm]: The Government thanks all parties for their strong support of this legislation. The proposed amendments will meet everyone's wishes, including those of osteopaths, masseurs, and the 20 other types of masseurs enumerated during debate. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.01 to 7.30 pm*

*Committee*

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

**Clauses 1 and 2 put and passed.**

**Clause 3: Interpretation -**

Hon MAX EVANS: I move -

Page 3, lines 15 to 28 - To delete the lines and substitute the following -

**"osteopathy"** means the static and dynamic assessment of human bio-mechanics, the diagnosis of somatic dysfunction, and the alleviation of somatic dysfunction by the application of manual treatments complemented by health education, but does not include the use of drugs or operative surgery;

Page 4, after line 12 - To insert the following lines -

**"somatic dysfunction"** means impaired or altered function of related skeletal arthroidial and myofascial structures of the somatic system (body framework), including associated vascular, lymphatic and neural elements.

Hon KIM CHANCE: I rise only to indicate the support of the Australian Labor Party for the Government's amendment.

Hon NORM KELLY: This has been the major sticking point in this legislation. It very much comes back to legal opinions on various sides as to whether this will provide the adequate protection the various masseur groups have sought. I have been satisfied primarily by the United Front of Massage Professionals and its legal advice that this is quite sufficient to protect the livelihood of the various categories of masseurs. The Australian Democrats support this amendment.

Hon GIZ WATSON: I also rise to support this amendment and to express the appreciation of the Greens (WA) for the work that was done to have it put in place. I, too, acknowledge that this seems to have the support of the numerous groups of individuals who have been asking us to ensure their position is protected. I thank the Government for moving this amendment to accommodate those concerns.

Hon MAX EVANS: The Minister has indicated that when the problems were brought to him, he sought to make this amendment to overcome those difficulties. I understand notice of the amendment was given during debate in the other House and it was agreed that the amendment be inserted in this place.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clauses 4 and 5 put and passed.**

**Clause 6: Membership of Board -**

Hon NORM KELLY: I have an amendment on the Notice Paper regarding the membership of the board. I was concerned with the membership because currently there are only about 30 osteopaths in the State. In the way the board is constructed, only four are on the board. I have been satisfied that one reason for this is to be able to draw upon a quorum for board meetings. I know there are provisions within schedule 1 for reserve members. I feel the membership of the board provides a good mix of expertise which is required on such a board; for example, an osteopath, a consumer affairs person and a legal practitioner. As the Government has proposed this Bill as a template for further pieces of legislation in the health profession, it is necessary for us to go over it quite closely. As I said, I am satisfied with the requirements here and will not now move the amendment that stands in my name on the Supplementary Notice Paper.

**Clause put and passed.**

**Clauses 7 to 28 put and passed.**

**Clause 29: Inspection of register -**

Hon NORM KELLY: I move -

Page 22, lines 2 and 3 - To delete all the words after the word "hours".

This amendment is to ensure that all people will have access to the register for inspection, without charge. The Australian Democrats feel that although this provision is a minor one, we acknowledge that this Bill must be sent back to the other place. That is why I am proceeding with this amendment. Once again, this is only template legislation. This register would probably fit on one A4 sheet of paper; however, registers of this kind regarding other professions will be larger. It is important that people be allowed access to look at the register, without charge. It

does not interfere with the provision in clause 29(3) which states that a fee can be charged when people want a copy of these records.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 30 put and passed.**

**Clause 31: Voluntary removal from register -**

Hon NORM KELLY: According to subclause (1) an osteopath who is not the subject of disciplinary proceedings may request the registrar to remove the name of the osteopath from the register. An osteopath the subject of disciplinary proceedings cannot request that his name be removed. Subclause (2) provides that such a request must be referred by the registrar to the board and, if the board approves that removal, the name will be removed. Why must the board give such approval?

Hon MAX EVANS: It could be that the osteopath must remain on the register when facing disciplinary proceedings so that the board can discipline him.

Hon NORM KELLY: Is it the case that the osteopath could be subject to further disciplinary action?

Hon MAX EVANS: That would be the only case.

**Clause put and passed.**

**Clauses 32 to 67 put and passed.**

**Clause 68: Procedure and evidence -**

Hon NORM KELLY: Recently we debated boards being bound by rules of evidence. This board will not be bound in that way. However, paragraph (d) states that subject to this Act and the rules of natural justice, the board may determine its own procedure. I agree with that. However, under clause 70, disciplinary powers of board, the provisions of subclause (1)(j), (k) and (l) address the board being able to impose penalties of up to \$5 000 for an individual, being able to strike a person from the register, and being able to suspend a person from the practise of osteopathy for a period not exceeding two years. Therefore, the board can impose substantial penalties. I am glad that a lawyer is a member of that board. We must ensure that we provide adequate safeguards for people subject to disciplinary hearings, considering the substantial powers of the board.

Hon KIM CHANCE: The Australian Labor Party is very concerned about clause 68(b). Hon Norm Kelly has already referred to the once proposed alterations to the Nurses Act which were subsequently withdrawn from the omnibus Act. We do not intend to oppose the clause. I wish to place a matter on the record on behalf of the ALP. We support the clause because we are satisfied that the osteopaths have been fully consulted in this matter. I have no evidence to the contrary. The process having taken place satisfies us that osteopaths understand what this means. However, rules of evidence have been established over centuries; they have a very real place in the practise of justice. The powers of this board include the capacity to take away a person's means of making a living. The board has quite definitive and wide ranging powers. As a consequence, the ALP feels extremely uncomfortable with any thought that we may be setting a precedent for any future action in respect of its attitude to the rules of evidence in this matter. It should be noted that our position on clause 68(b) is inconsistent with the stand we have recently taken on the Nurses Act. It is necessary to note for the record why that inconsistency exists.

**Clause put and passed.**

**Clauses 69 to 98 put and passed.**

**Schedule 1 -**

Hon NORM KELLY: Clause 3 relates to the appointment of deputy members of the board. Will those deputy members be appointed in the event that a member may not be available, or will that appointment occur to meet the needs of an expected, prolonged absence of a member? Earlier I referred to the composition of the board. Will deputy members be available so that when the Bill becomes law it will be a normal process to appoint deputy members automatically for future use?

Hon MAX EVANS: It is best practice to appoint deputy members rather than wait until someone is going away, so that the deputy members are available for use when needed.

**Schedule put and passed.**

**Schedule 2 put and passed.****Schedule 3 -**

Hon MAX EVANS: I move -

Page 75, lines 16 and 17 - To delete the lines and substitute the following -

- (ii) the time for appeal against the refusal under section 89 has expired without an appeal being brought or an appeal has been brought but has been unsuccessful,

Page 76, line 4 - To insert after the word "and" the following -

- (ii) during that period of time.

Hon KIM CHANCE: This appears to be an amendment already put in place in the Legislative Assembly. I have some difficulty relating this to clause 2(1)(b)(ii) of the schedule; they do not seem to relate entirely to the same issue. Will the Minister enlighten me?

Hon MAX EVANS: The member is right; it was amended in the other place.

Hon NORM KELLY: It is my understanding from reading the *Hansard* report of the debate in the other place that the amendment passed by the Assembly is incorrectly positioned in the amended copy of the Bill. This amendment simply corrects what should have been contained in that version of this Bill. It is more a typographical error.

Page 76 relates to the grandfather clause of the Bill. It allows people practising as osteopaths who do not have the necessary qualification to be accepted as registered osteopaths. I understand this amendment incorporates what was debated and agreed to by the other place.

**Amendments put and passed.****Schedule, as amended, put and passed.****Schedule 4 put and passed.****Title put and passed.****Bill reported, with amendments.**

By leave, Bill proceeded through remaining stages without debate and returned to the Assembly with amendments.

**ORDERS OF THE DAY - BILLS FOR INTRODUCTION***Discharge from Notice Paper*

On motion by Hon N.F. Moore (Leader of the House), resolved -

That Bills for Introduction No 3 and Orders of the Day 35 and 37 be discharged from the Notice Paper.

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)***Second Reading*

Resumed from an earlier stage of the sitting.

**HON BOB THOMAS** (South West) [7.56 pm]: As it is several hours past our usual Thursday adjournment time, I will take no more than 15 minutes to cover some important issues in my electorate.

First, I ask the Minister for Finance to have a look at the Consolidated Fund Forward Estimates as at 14 November 1996 for the period from 1996-97 until 2000-01. This document was presented by the Government before the election and portrayed the Government's forward estimates for the four years of this parliamentary cycle. Will the Minister clarify to what the \$240m increase in miscellaneous services relates? It increases from \$345m to about \$580m over the next four years. Why is there such a large increase?

Hon Max Evans: I have the answer, although not the exact figure. It has changed slightly. We will need the forward estimates book.

Hon BOB THOMAS: I will raise a number of other issues. The first is the impact on district education offices of the devolution of extra duties without any corresponding increase in staff. I will also talk about changes to the priority schools program and then about the impact of the Police budget on the Police Service within my region.

A couple of weeks ago I was approached by members of school communities within my electorate who are concerned that the resource centre within the Albany district office of the Education Department is to be downgraded. At present two full time equivalents manage the resource centre. They do an excellent job and provide resources for all the government and private schools within the region. Each school within the district is required to contribute fees of several hundred dollars a year. They are then able to draw on those resources to use within school learning programs. It is very well managed. It has excellent staff and has a good reputation. The new district superintendent, Mr Barry Wells, who took up that position recently, issued a memorandum indicating that the staffing of the resource centre would be reduced from two FTEs to 0.7 FTEs next year. That is inadequate to manage that resource centre and to provide the service on which the schools in our district have come to rely.

I took this issue up with Mr Wells and found out that it was not just a matter of cost cutting within his budget; it was forced on him because of the State Government's Budget. The Albany district office has an allocation of 19.5 staff including district superintendents, clerical support, the resource centre, psychology services and all those other services which are managed through the district office. This year the district office must dedicate three of its staff to the new curriculum responsibilities within the district. They have had no corresponding increase in staffing this year. As a result of that the Albany district office must make savings within its existing budget. It is doing that by reducing the resource centre by 1.3 FTEs. At the same time, it is reducing the school psychology service by 1.5 FTEs. That is disastrous and ridiculous. It comes back to this Government's Budget. I referred earlier to the forward estimates in which the Education budget is estimated to increase by \$59m over the four years from 1996-97 to 2000-01. That will increase from \$1.175b to \$1.234b. If one works on a 10 per cent accumulated inflation rate over those four years the Education budget would have to increase by about \$110m, but it is increasing by only \$60m, so in real terms I calculate that the Education budget will decrease by about \$50m.

One of the ways the Education Department is accommodating that is by reducing the amount it is spending on staffing. Because 70 per cent of the Education Department's budget is wages, the only way it can make any significant savings is to spend less on wages. The net result is that the Albany district office will lose 1.5 psychologists and 1.3 staff out of its resource centre. This is a disaster. As a country education district we have enormous problems with youth suicide and other behavioural problems with our youth. One of the ways we can overcome that is by addressing it early enough in the school system. Reducing the number of school psychologists in the school system means that some of those kids at risk will slip through the school system and they will suffer significantly as they leave the school system. This is shortsighted of the Government; it is penny pinching and mean spirited. The Government needs to have a good look at the philosophy behind reducing the Education budget by \$50m in real terms over the four years of this parliamentary cycle.

The other issue that concerns me about the education system is the recent changes to the priority schools program. Members will know this is a commonwealth program.

Hon B.M. Scott: Commonwealth and State.

Hon BOB THOMAS: The Commonwealth provides the money to the State, and it is used to overcome disadvantage in schools. It is based on socioeconomic factors such as income levels in those schools, the number of single parent families etc. It is aimed at providing cultural and resource programs to overcome that disadvantage. The Federal Government has decided that it will tie its PSP funding to the literacy program. That will have a detrimental effect on a large number of schools within my region. Most of the schools that I am aware are receiving PSP funding are already using it on literacy programs.

I want to talk about a couple of those schools within my electorate which will be disadvantaged by this program. The Augusta Primary School will have its PSP budget reduced from \$11 800 to \$7 000, leaving a \$4 000 shortfall. This is one of the best schools in my electorate in terms of community involvement. It is only a small school with about 80 or 90 students. It has enormous community support. One has only to look at the facilities that have been provided by the parents and the local community, in particular the local industry, to see the partnership that has been forged between the school and the community. They have been using their PSP funding for a literacy program. They have used some of the money to employ a specialist teacher to work with teachers on literacy programs and some of it for their reading resources and those sorts of things. It is only a small school that already has optimum involvement from the community. I cannot see how it will increase community contributions by \$4 000 to meet the shortfall. This school will be disadvantaged by those changes. This cut in PSP funding is very shortsighted because a small country primary school has enough drawbacks without facing extra drawbacks by a reduction in its budget.

Another fantastic school is the Mt Lockyer Primary School. This is in one of the lowest socioeconomic areas in my electorate. It is a Homeswest area with a high proportion of people on benefits and very low incomes. This school has fantastic parent involvement. It has tremendous staff and I love going to school assemblies at Mt Lockyer because the staff, especially the principal, June Johnson, make every kid feel very special. This school was receiving

\$45 000 PSP funding, and it has been reduced to \$37 000. It is in a low socioeconomic area and it does not have the wherewithal to raise additional funds.

Hon B.M. Scott: Are their literacy levels good?

Hon BOB THOMAS: Some of them, but the school has dedicated PSP funding to a literacy program. It works with the First Steps program, and identifies kids with literacy and numeracy problems. It has used the funding to purchase technology, reading resources and home readers so that each kid has access to the resources that kids from more affluent homes take for granted. The resources to this school should be increased to help it overcome its disadvantage and so that the children will have equal opportunities in the labour market when they leave school. The reduction in its budget of \$8 000 is extraordinary.

The Balingup Primary School has run a very innovative program linked to literacy with its PSP funding. Its allocation will be reduced by \$3 000 from approximately \$9 000 to \$6 000. The principal, Mr Strauss, has run a very innovative music and dance program to encourage kids to participate in school activities. This school has won eisteddfods for its music and dance performances. It has won nine out of the 10 contests in which it has participated, and has won three of the eisteddfods in the south west. It is only a small school, and I would be surprised if it had more than 80 pupils. It has cleverly tied to the curriculum these music and dance programs that interest kids, and it has had good success in encouraging kids to improve their literacy levels. Through the PSP funding the school has been able to use a significant amount of the resources raised by the local school community for its music and arts program. It has used PSP funding for materials, such as readers and computers, that would normally come from other resources. This is another school with an innovative program that has been successful, and which is being jeopardised by the shortsightedness of the Federal Government.

The Boyup Brook Primary School is well advanced in this field in its use of PSP funding. This year its allocation was \$29 800 and that has been reduced to \$20 000. It has used its funding to purchase resources such as home readers and interactive software, to encourage children to develop reading and cognitive skills. It has gone so far as employing an additional teacher in a support role who works in the classroom with the teacher. Rather than take over as the primary teacher, this person supports the teacher with the children who are not meeting the literacy skills required.

The Boyup Brook school recently indicated that it had made a conscious decision to buy Australian text, which is more relevant to the kids, rather than use American versions of text. It is a very successful program. The cut of \$10 000 in its budget for this program - almost one-third - will set back the school enormously. It does not know from where it will raise the extra money to maintain the program. These kids are getting a better start than they would have without the PSP funding, and the program will go backwards as a result of Mr Kent's shortsighted approach.

The last school I mention, which is one of my favourites, is the Deanmill Primary School. It has between 20 and 30 students. It has two teachers, and the principal, Mr McCracken, is a very competent headmaster. He has a real sense of duty to all the kids in the school. That school attracts many children from outside its zone. Children from Yanmah who have learning difficulties attend the Deanmill Primary School rather than the Manjimup Primary School, whose zone they are in. That is for two reasons: First, because it has only two teachers and is very small so there is more chance of children having one to one contact with the teacher. Second, it has innovative literacy programs aimed at developing those skills in children. This school will have its budget cut from \$2 700 to \$1 200 - almost halved - because of the shortsighted and dogmatic approach of Mr Kent.

A number of schools in my electorate are running these programs - I have mentioned only a few - and they will be set back years because of this shortsightedness. The only thing to be said in favour of the recent change is that a number of schools that did not qualify previously, but may have been at the margin, will now receive some funding that they can use for these programs. That is a good thing, but it is far outweighed by the fact that funding for the programs in areas of significant need are being cut. If the State Government cannot lobby the Federal Government for an increase in funding to avoid those cuts, it should think about providing these funds itself.

The last issue I raise tonight relates to police resources in Western Australia. I received a very disturbing letter from the Manjimup Chamber of Commerce and Industry. The president of the chamber is Denise Jenkins. Members opposite probably know her. She is well connected in the Liberal Party in Manjimup. I believe she is a serious contender for preselection for the seat of Warren when the current member, Mr Omodei, retires. I have known Denise for many years and I think she is highly competent. I have high regard for her.

Hon Mark Nevill: She may use this as a testimonial in the Liberal Party preselection.

Hon BOB THOMAS: It may do her more damage than good. I have a high regard for Denise. She is a well respected local business person in the community and is actively involved in sporting and community activities. She recently sent me a copy of a letter she wrote to Police Minister John Day which reads -



Dear Mr Day

**RE: MANJIMUP POLICE 1997/98 FUNDING CUTS**

The Manjimup Chamber of Commerce writes to express the concerns of the business community at the funding cuts to the operating budget of the Manjimup Police Station.

As you are fully aware the Manjimup office covers a large part of the region and the reductions that have occurred is having a detrimental effect on the services being provided.

We also believe that further reductions to services will be implemented in the new year. These reductions include:

5 days working week	no police after 4pm
no night callouts	patrols only to within 10kms of town

These further reduction in services cannot be allowed to happen. The community of Manjimup has every right to expect a reasonable police presence at all times.

Reports state that the Bunbury Region has had a \$250,000 reduction in its budget this financial year and with the ever growing population in the South West this needs to be addressed. The chamber asks the Minister to urgently review the funding received by the Bunbury Region and especially Manjimup district and address this matter.

I was alarmed when I received that letter. Manjimup is a crucial part of the South West Region electorate. I lived there for a number of years and I love it. One of the things that makes Manjimup a special place to live is its very low crime rate. That is partly because Manjimup is small enough to have a sense of community. Nobody is anonymous when they walk down town. The fact that they would be recognised by somebody tempers some of their behaviour. It is a town with a real sense of community, although it is not small enough for people to be living in people's backyards. Its sense of community has tempered the crime rate. Other than the young men aged 18 to 30 years who frequent the hotel, most people in Manjimup are pretty quiet. One of the reasons for that is a strong visible police presence. The budget cuts which will be implemented in the new year mean that the service will be significantly reduced. I can see the crime rate increasing and community safety decreasing as a result. If the Government is not prepared to review its dogma and economic rationalist policies on any other grounds it should give some consideration to those policies now. This budget cut forecast for Manjimup in the new year will be replicated everywhere else in Western Australia because the Police budget is being progressively cut in dollar terms. I am not talking real terms.

Hon E.J. Charlton: Second round. It was a good idea but keep going.

Hon BOB THOMAS: I have only two more points. I think members opposite should look at the consolidated fund forward estimates brandished around by the Premier before the last state election. I remember when he used to say on television that the dams were full, the Budget was balanced and Treasury supported the forward estimates. People did not realise then that those forward estimates contained a dollar cut over this four year parliamentary cycle for the Police Service. The Police budget will be cut from \$368m in 1996-97 to \$364m in the year 2000-2001. That is a \$4m cut in dollar terms. With an accumulated inflation rate of 10 per cent over that period it amounts to a cut of \$40m in real terms over four years. No wonder the police in Manjimup and other country areas will be working from 9.00 am to 5.00 pm. No wonder some police stations have been told they will have only \$13 a week to spend on petrol for their vehicles. No wonder police from the Manjimup Police Station will be able to do patrols only 10 kilometres out of the town. The Albany police district has been told to patrol only as far as Mt Barker, which is 50 km away, rather than police 150 km.

Hon E.J. Charlton: Could you give us a bit of a rundown on Great Eastern Highway?

The PRESIDENT: Order!

Hon BOB THOMAS: That is another point I would like to address later. I could probably get an extension of time! This Government is deliberately cutting the Police budget. When these things are brought to the public's attention and the Police Minister is interviewed on television, he says, "I am not aware there is a problem in the Police budget."

The other point concerns the consolidated fund forward estimates to which I referred earlier. They show that total recurrent revenue for the four year period 1996-97 to 2000-2001 will increase from \$6.612b to \$7.338b. I have already informed members that the Police budget has been cut by \$4m in dollar terms and probably \$40m in real terms.

Hon Max Evans: Have you looked up the Police budget over four years? It is under "P" for police. You will find the amount of \$423m. I cannot see how it is going down by \$4m a year, but I am not as clever as you.

Hon BOB THOMAS: The Minister is obviously not au fait with his portfolio. I am reading from page 23 where it indicates that the allocation for recurrent services for 1996-97 is \$368.629m. For the year 2000-2001 it is estimated to receive \$364.413m. When I went to school that was a \$4m reduction.

Hon Max Evans: The figure is now \$384m.

Hon BOB THOMAS: Are we adding in the immobilisers now?

Hon Max Evans: The petrol is for 15 km out of town.

Hon BOB THOMAS: The \$384m probably includes the cost of the immobilisers. It is probably added into the gun buyback.

Hon Max Evans: It is definitely not that.

Hon Tom Stephens: Where are you losing the money? Not on the ground.

Hon BOB THOMAS: If it is \$380m it is still a \$20m cut in real terms over four years. The community of Western Australia expects more. The Australian Constitution gives certain responsibilities to the State and to the Commonwealth. In Western Australia the States must only collect revenue and provide services. We do not have to provide fiscal or monetary policy settings. The business of state government is about collecting revenue and providing services. This Government has estimated that its revenue will increase from \$6.6b to \$7.4b over four years. However, what we are seeing is real reductions in spending on police, a real reduction in spending of about \$50m on education, and a real reduction of about \$50m on health. Therefore, although Government will increase its tax take by \$600m, the amount that the Government is spending in real terms on those services is decreasing. I want to know what the Government is doing with that money; that is one of the reasons that I asked the Government for the reason for the \$240m increase in miscellaneous services. I would appreciate an answer to that question. This Government has failed in its primary responsibility to manage its Budget. During the parliamentary break, this Government needs to have a good look at its policies and at where it is spending its money, because we are being short changed by this Government. I commend the Bill to the House.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [8.31 pm]: I am pleased to have an opportunity to respond to debate on the appropriation Bill; rarely do I get an opportunity. Some very good speeches were made. Hon Tom Stephens made some valid comments about cash flows and Niemeyer statements. As I said to him, I have never agreed with Niemeyer statements. They were introduced in the 1930s, and they are really just cash receipts and payments which Governments used to work with over the years.

Hon Tom Stephens: Is that why you have been hiding them for the past few months?

Hon MAX EVANS: No. I do not get them. For the past three years I have not been getting a copy of it. The Niemeyer statement used to, say for the month of October, give the actual revenue and expenditure for the month of October and the estimates for 12 months, and they had no relationship with each other, and they could not be compared against the budget for the month or the year to date. I have been trying to move away from them, but Niemeyer has been an accepted practice by journalists for years. It is a document that does not give us what we want to know these days, with the way business is done.

Hon Bob Thomas asked about the change in the budget format. When we came into government, we brought in what I call good, honest, financial management. We did not have two bank accounts - the housekeeping account and the mortgage account. During the years that members opposite were in government, they tried to balance the housekeeping account, which is what we called the CRF -

Hon Bob Thomas interjected

The PRESIDENT: Order! The debate will degenerate in a moment, and there is no need for that.

Hon MAX EVANS: The CRF was for recurrent income and recurrent expenditure, and the former Government endeavoured to balance that over the years and did some wonderful things. I learnt tricks that I had never seen in my whole life in accounting from what was done during that time. The former Government had a surplus of only \$30m accumulative over 10 years, and \$9m of that surplus came out of our parliamentary superannuation fund, which in 1989 was put into the consolidated fund, so it was only a surplus of \$4m on the consolidated fund over 10 years.

In its last years in office, the former Government was not doing all that well. It used to buy and sell its cars out of the consolidated fund, and it thought, "This is not too good. We will sell the cars and put the money into the

consolidated fund, and we will buy them and put the amount into capital works." It did that for two years, and it was \$50m each year. It then used to have minor works for hospitals and schools - about \$30m - and it capitalised that. No fool would capitalise that in normal circumstances; it would be written off.

Hon Bob Thomas interjected.

Hon MAX EVANS: The member is dead right. That Government did that the whole time. It never stopped doing those sorts of things. In its last year in office, \$187m-worth of things that should have gone into recurrent expenditure went into capital expenditure. We changed to one bank account so that money could not be taken out of one account and put into the other when it was short. We came back to one consolidated fund.

Several members interjected.

The PRESIDENT: Order! Will the Minister direct his comments to me rather than point to individual members. It is grossly out of place.

Hon MAX EVANS: I apologise, Mr President. Hon Bob Thomas had asked the question and I thought I would raise it. I do realise that you are more important than he is.

The PRESIDENT: Order!

Hon MAX EVANS: When we came into government, my plan was that we would have one consolidated fund, and we changed the books so that we now have recurrent expenditure and capital expenditure and can see what we are doing in each department, and we balance them out. Recurrent income and recurrent expenditure runs at a surplus of about \$250m or \$300m, and we have used that for our capital expenditure, and we have balanced the books. In this last year, the surplus of total income over total expenditure is about \$69.7m, which can be used to repay debt or to pick up shortfalls, and that can be found in the books.

What used to happen in the old days in 1989 was that when a department or agency had too much money at the end of the year, it was told to spend up so that it did not have a surplus, because people thought that was wrong, and it had a CPI increase the next year; so it got the expenditure up to the end of June, the CPI was added on, and that was what its budget would be the next year. I had to change that to get away from that mentality.

Hon Bob Thomas: We changed that with indicative budgets in 1989.

Hon MAX EVANS: Hon Bob Thomas asked me some questions and I want to answer them.

Hon Mark Nevill: What about my questions?

Hon MAX EVANS: The GST?

The PRESIDENT: Order! If members want to go into Committee and have as much interchange as they like, they are more than welcome, but the Minister will need to wind up his remarks so that we can go into Committee.

Hon MAX EVANS: This is not a Bill on which there is a Committee stage.

The PRESIDENT: Order! There should be a Committee stage with all the interjections.

Hon MAX EVANS: I think so too.

The Government then changed that and brought down the Budget before June, and it was passed before the end of June so that departments had certainty that they could use their capital expenditure from 1 July and did not have to wait until the Budget went through the Parliament in October, November or December. That accelerated expenditure to a certain extent.

In the old days, the first thing I learnt from Joe Berinson was underspending. I had always thought that underspending was saving on the Budget: If we did not spend it this year; we spent it the next year; that was called underspending.

I wanted four year estimates, and the member will remember when he was on the Estimates Committee that our erstwhile chairman at the time asked the previous Government why we could not have four year estimates, and I was told then and again when we came into government that we could not have four year estimates because the Federal Government would know what we were doing. The Federal Government never worried me very much; I just wanted to know what we were doing. We brought in four year estimates.

Hon Mark Nevill: They are pretty meaningless.

Hon MAX EVANS: They are not bad. In the first year we did not publish them; they went out for three years. In 1994-95 we brought them in for four years - the current year plus four. That has made a big difference because it has given a large degree of certainty to the CEOs; they know what they will get, rather than if they saved \$500 000 or \$1m, Treasury got it back and they did not get it the next year. There is degree of certainty, depending upon the cash flow, about what they will get on our best estimates of revenue.

I turn to Hon Tom Stephens' comments about cash flows. For many years we had a government accounting system which went back to about 1971-72 where all the expenditure went through the one account and we knew how much money was at hand and could maximize the interest rather than have the money lying in the bank accounts of all the agencies. That worked very well, but much better technology is available today. We have been trying to get around to accrual accounting, or what I call better management accounting, in the agencies because it is important that they pay their own cheques and prepare their own financial statements rather than get a print out from the government accounting system every month showing how much money they have expended and how much money they have left to spend until the end of the year, which to me is no way to run a Government or a business. It has taken me three years to get around to that, and every agency now has its own bank account - they call it a trust account.

Hon Mark Nevill: What year does this appropriation Bill relate to?

Hon MAX EVANS: This appropriation Bill is 1997-98.

Hon Mark Nevill: But it relates to expenditure in 1995-96. You did not hear my speech. It is two years out of date.

Hon MAX EVANS: From 1 July, all agencies will run their own bank accounts, and the money is put in there according to a predetermined budget, and they can pay their accounts by electronic funds transfer, which will make it a lot easier. They have not coped with the fact that previously they knew how much money had been expended from their own print out, the bank record and the government accounting system. Now they have 120 agencies and they are trying to get the agencies and the bank to reconcile what has been paid and what has been expended. There are a few shortcuts and that is what we are trying to get to. They were trying work it out with the old Niemeyer statements. With the consolidated fund, the money has been drawn out for trust accounts. As far as I am concerned it is one and the same: It is the Government's money.

Hon Bob Thomas referred to the statement published in November 1996, prior to the election. We keep updating the forward estimates when new things are approved by Cabinet. It goes up and down - unfortunately it always goes up rather than down on the expenditure side. The miscellaneous services estimate for the Minister for Racing and Gaming recurrent services and capital services for 1997-98 is \$352m; next year it will be \$451m, then \$525m and \$289m. The other print outs show \$87m, \$173m, \$221m and \$289m. It has increased by about \$200m over those four years. Members might recall that I have often suggested abolishing the miscellaneous services categories. Many of those things should not be there. We have taken them out, and I will give a breakdown of what is in and what is out.

Hon Mark Nevill: Save it for next year.

Hon MAX EVANS: That is how we have done it. Last year Hon John Halden talked about the Water Corporation's \$193m, Western Power's \$23m and so on. They were big item expenditures. They have now become below the line figures within the budgets of the Ministers rather than miscellaneous services allocations. Everything else is approximately the same. They are estimates we did in November.

Hon Bob Thomas: Why the \$200m increase over the four years?

Hon MAX EVANS: I am getting to that -

The PRESIDENT: Order! If members are going to ask questions of the Minister, we need to go into Committee. If the Minister will direct his comments to me, in due course, if there is a need for any further explanation, that can be done in Committee. I am urging that the House go into Committee.

Hon MAX EVANS: In the past couple of years there was the Curtin University debt charge of \$173m, the State Government Insurance Commission contribution of \$74m and so on. Those amounts were in the miscellaneous services line and have now been removed.

This detail is on page 1003 of the Program Statements under "Treasury - Appropriation Forward Estimates". Item 13 details the amounts provided for recurrent services for the year - that is, \$87m, \$172m, \$221m and \$289m - as against the sheet the member had, which had total amounts. The only thing left in these items is the cost of running Treasury of \$15m each year, the Anzac Day Trust, TVW Telethon Institute and so on. The North West Shelf financial assistance comes up every year and we get money back from the Federal Government that we then pay to Western Power. We have included a global provision to build up some contribution to the superannuation guarantee

levy. We have also included an amount for wage increases. It also includes the housing loan guarantee indemnities, incidentals and interest on public moneys held in participating trust funds. They are the components of the increase of \$202m over the four years. It is not the same amount as before because figures have been adjusted. That was the Budget at November and this was tabled on 10 April to be passed before the end of June. I appreciate the member's mentioning that issue. That is what has happened. Miscellaneous services has now disappeared.

Hon Mark Nevill: That was a more than adequate explanation.

Hon MAX EVANS: I now commend the Bill to the House.

Question put and passed.

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

### **ELECTORAL COMMISSIONER - CHAIRMAN OF PRIVATE SCHOOL BOARD**

#### *Council's Resolution - Assembly's Concurrence*

Message from the Assembly received and read notifying that it had concurred with the Council's resolution.

### **MISUSE OF DRUGS AMENDMENT BILL**

#### *Receipt and First Reading*

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

#### *Second Reading*

**HON PETER FOSS** (East Metropolitan - Attorney General) [8.45 pm]: I move -

That the Bill be now read a second time.

The purpose of the Bill is to amend the Misuse of Drugs Act 1981 to insert a definition of "supply". By doing so, the application of the word will be applied to the situation of a person redelivering drugs under a bailment; that is, where the accused alleges that he or she was holding the drugs on behalf of the owner for return to the owner as required. At present, the word "supply" does not include this situation. This is a direct result of the Court of Criminal Appeal case Manisco (1995) (WA) in which it was held that the word "supply" was not appropriate to include the mere return of physical control of drugs from a person with whom they have been temporarily deposited, to that owner as required. The Court of Criminal Appeal held that there was nothing in the Misuse of Drugs Act 1981 to displace that ordinary meaning. The decision in Manisco has been used to avoid conviction for charges containing the supply element, in cases in which the accused alleges that he or she was holding the drugs on behalf of the owner and was to give them back to the owner as required. The definition inserted by clause 3 is similar to that of other jurisdictions, including that of the New South Wales Poisons Act and the Drug Misuse and Trafficking Act. The definition will provide a clear direction to the courts of the meaning of "supply".

The state coalition Government has stated publicly that the drug problem being experienced by the community is very serious, and it has taken numerous steps to overcome this. An example of this is the establishment of the Western Australian strategy against drug abuse action plan, which involves widespread intergovernment agency involvement in putting initiatives to the Government to combat the drug problem in Western Australia.

The amendment is also consistent with the state coalition Government's law and order policies in which a clear commitment to the community has been made to pursue offenders who are presently escaping prosecution by using a loophole in the law. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

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

1. Revenue Laws Amendment (Assessment) Bill (No 2).
2. Road Traffic Amendment Bill.

Bills returned from the Assembly without amendment.

### **BILLS (4) - 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. Fuel Suppliers Licensing and Diesel Subsidies Bill.
2. Acts Amendment (Franchise Fees) Bill.
3. Dampier to Bunbury Pipeline Bill.
4. Interpretation Amendment Bill.
5. Osteopaths Bill.

### ADJOURNMENT OF THE HOUSE - SPECIAL

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [8.50 pm]: I move -

That the House at its rising adjourn until a time and date to be fixed by the President.

#### *Close of Session - Complimentary Remarks*

Hon N.F. MOORE: I take the opportunity on this motion to say a few words to conclude this part of the session. As members are aware, it is the Government's intention not to prorogue Parliament between now and when we return in March. Even though it was suggested today by Hon Nick Griffiths that we might renege on that, I explain to him that a thing called the Mining Act Regulations (No 4) is sitting on the Notice Paper, having been moved pro forma. In the event that the House were prorogued, the standing order which says that the regulations shall be disallowed would automatically come into effect. I guess the Government is not prepared to forgo all that revenue by proroguing the Parliament. I have a fairly good reason for believing that the House will not be prorogued until after we return next March. We have talked about that before, and the reason will be obvious as time goes on.

This year has been quite interesting. During the passage of some of the more difficult legislation, namely the Industrial Relations Legislation Amendment and Repeal Bill, it has been difficult, but overall we have made quite good progress. I thank members for their cooperation. Both sides have ensured that the House has run effectively and efficiently. Quite a significant amount of government legislation has been dealt with as well as private members' business from time to time. The House has changed, of course, and will continue to change. A number of standing orders will be considered by the Standing Orders Committee between now and when we return. That may lead to further changes taking place in the way in which the House operates.

I thank you and congratulate you, Mr President, on the way you have carried out your role since succeeding Hon Clive Griffiths. I must say that I never really imagined anybody could fill Hon Clive Griffiths' shoes adequately, but you have done a very admirable job. Life goes on in this House as though nothing had changed with the leadership coming from the Chair. I thank you and congratulate you on the excellent job you have done since you were appointed President.

Similarly, I congratulate Hon John Cowdell, who is maturing in the position of Chairman of Committees to the point where he is very urbane and controls the Committee stage very well indeed.

Hon Kim Chance: He was urbane at four years of age.

Hon N.F. MOORE: I know, but that urbaneness was not there in the first week or so. It is certainly there now when he is running the Committees of the House. I congratulate him and the Deputy Chairmen of Committees for the work they have done. I thank Hon Max Evans, Hon Eric Charlton and Hon Peter Foss, the Ministers in this Chamber, for their support and assistance. It is tough at times in this House being a Minister looking after the interests of other Ministers. A lot of work is done by those Ministers and I thank them. I particularly thank Hon Muriel Patterson, the whip for this side of the House. She has a very enviable record of ensuring that all members are here for the vote.

Hon Tom Stephens: Even some extras from time to time!

Hon N.F. MOORE: I commend her on that as well. The way the numbers are these days, if we get more than 17 members we are doing really well. Her job is to make sure that on as many occasions as possible we have more than 17 members. I think she has done a pretty good job in that respect.

I also thank Hon Tom Stephens for the cooperation I have received from him as Leader of the Opposition. Hon Tom Stephens and I occasionally disagree on issues, but anybody who has children who are as well behaved as Hon Tom Stephens' children cannot be all bad. It is difficult to ensure that the House runs smoothly when people have differences of opinion, particularly on quite serious political issues. I have appreciated Hon Tom Stephens' cooperation, as I have the cooperation of Hon Helen Hodgson and whoever the Leader of the Greens is from time to time. I know that the Greens are very flexible but when I talk to any of them at any time, they just assume the leadership role, so we are able to make sure that the progress of the House is expedited.

Again I thank the Clerk, the Deputy Clerk and the Deputy Clerk of Committees, Laurie, Ian and Stuart. This is probably the twentieth time I have said this in respect of the Clerk and the Deputy Clerk, but they do provide a superb service to members, and this year has been no exception. I thank them again most sincerely. The Chamber attendants, Chris, Jason, Donna and Yu-Li, I thank for their great support which is always provided to members in the House. I also thank Malcolm Peacock, Janeen Robertson, Greg Jackson and Rosslyn King, who work for the Legislative Council. Again they provide excellent service to members and ensure that this House operates in a very effective way. I thank all the committee officers and others who work for the Council for their support. I thank the Hansard reporters, who of course have a most onerous task. I congratulate and thank Neil Burrell and his staff for their ongoing support of members and the very efficient way in which they record the things we say, even though they record them sometimes in a way we would rather they had not, but they are always right and we are not. I thank the bar staff and the switchboard operators, Cathy and Marilyn, who seem to have been here forever. They are always very polite and anxious to assist in the jobs that they do. I thank all the other officers of the Parliament. I thank Vince Pacecca and his staff, and the security staff. I thank the Parliamentary Services Office staff, who are the people who look after the needs of the Ministers in respect of legislation and the business of the House. They are Tina Beale and Linda McIvor, assisted from time to time by Julie Holmes and also Trevor Whittington, who is on my staff and whose job is to try to liaise with the various parties to ensure that everybody knows what everybody else is doing. Trevor has done a very good job indeed since he has been in that role. That just about covers everybody whom I think needs to be thanked, but if I have forgotten anybody, please forgive me. At this time of the year I think it is very important that we place on record our appreciation of the very hard work and the support provided to us by the people who work in the Parliament in, as I said last time when I spoke on this debate, pretty appalling conditions at times. We can only live in hope that eventually Parliament House will get onto the capital works budget and that we will see some improvements for the people who work here as well as members who need to endure this Chamber from time to time.

It is still November; Christmas is not quite here yet, but we keep hearing and seeing references to it. I wish all members and their families a very happy Christmas and a very enjoyable festive season. Families miss out most of all in our lives, except for the family of Hon Tom Stephens, who are here most nights for dinner. I commend Hon Tom Stephens for that. It is wonderful to see his family here so regularly. I extend my best wishes to everybody for the festive season. I cannot say that I look forward to the House returning in March, because I do not at the moment. I am looking forward to a break for a little while between now and then. I conclude by wishing all members a very happy Christmas and may they enjoy the festive season in a way which will bring credit to them and to their families.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [8.59 pm]: Mr President, I think at least you and I remember that during your first time as Leader of the House you also took the opportunity of speaking on this motion at Christmas time. The President at that time took the opportunity of dressing you down as he told you that you were speaking on the wrong motion. It appears that you have started a tradition now. We have the Leader of the House making speeches at the wrong time. Nonetheless, we can all join in that process because a new tradition has been started by you, Mr President.

Hon N.F. Moore: I spoke on this motion last time too.

Hon TOM STEPHENS: A new process has been established. Those of us who have been here for a long time know that this time of the year has been characterised by enormous tensions across the Chamber as we have come through a legislative program with which there has been associated division, opposition, and sometimes rancour and bitterness. It has been regularly a strange atmosphere that suddenly descends on the place at the end of that rancour and bitterness -

Hon E.J. Charlton: We did that in May.

Hon TOM STEPHENS: - when we finally wish each other a happy and joyful end of year as we move into the Christmas period. That has been noted regularly as we go through this end of year process. This year it has been interesting because it has been a different process. The crescendo has not been the same as it has been at different times. In part that is because of a different mood over the place for much of this year.

I want to take the opportunity of associating the Opposition with the good wishes and expressions of gratitude and appreciation that the Leader of the Government has just delivered to this House. He has spoken about so many people that I will not need to go through that list again. If some people have been missed out, it is not because their work is not appreciated. I am sure that my opposition colleagues will want me to associate them with the remarks of the Leader of the House and to express our appreciation to each and all of the staff - those who have been listed either individually or as the groups from which they come, whether it is the staff of the Joint House Committee, Hansard, the Parliament, the Council, the Government or of the Opposition - for the work that they have put in to making sure that our working lives are manageable and bearable.

There have been times since I have taken on this job that I have noticed myself occasionally smiling. On the rare occasions when that has happened, I am pleased to say it has been commented upon by some of the staff. However, I want to take this opportunity of making amends for when those smiles have been absent for the appreciation that I have felt for the work that has been put in. I want to make amends now and state my appreciation for all the work that is done for each and every one of us in this place, but most especially for the Opposition for whom I speak.

It has been a traumatic start to the year as the Government and all of us well appreciate. I heard the leader's description of the House having made progress. I understand the sense in which he says that the House is making progress, and I will not delay that progress any longer than I need to in order to quickly bring these formalities to a conclusion.

I also confirm to the members of the House that when they have been around this place for as long as both the Leader of the Government and I have been there develops a sense of appreciation that is not always fully understood by people who have come more recently to the processes in which we have been engaged. The Leader of the Government in this place, Hon Norman Moore, knows that I value and respect many aspects of his character and his personality. I am looking forward to the continued growth of a relationship across this Chamber that will lead towards ensuring a House that is well and truly managed to the satisfaction of all of us within this place. Naturally, it has been the start of a testy new relationship between government and opposition in view of the changed circumstances that are now on the floor of the House. However, I think we will all recognise the opportunity for this House locking down some arrangements that suit the people of Western Australia whom we serve.

One of the other reasons there is not the great crescendo at this time of the year - at least from the point of view of the Opposition - about needing to score some last points in the processes of the closing day of the Parliament is in part because we know that we have gone from a shocking base, a bedrock low level of support at the last state election which produced some shocking figures. We have continued to work up from that rock bottom position as a group and have endeavoured to serve the people of Western Australia by utilising the Parliament to express concerns in this place and through this place. There is some satisfaction on the part of all of us on this side of the House that the forms of the House have been available for us as an opposition to appropriately and adequately canvass the concerns of the community and to ensure that those concerns are in the public domain, and by and large we are not frustrated by the parliamentary process. We have been satisfied by the parliamentary process and the way that it has been utilised to ensure the concerns of the community are in the marketplace and are understood by the community and that we are doing the job of ensuring that those areas of government activity, or lack of government activity, are well and truly highlighted and on display.

As everybody knows, the process of my becoming the Leader of the Opposition was complex and it has understandably meant that the tests of loyalty upon my parliamentary team have been especially onerous in the 12 months that has now nearly passed since I became the leader of the parliamentary Labor Party. I take the opportunity of formally placing on record my deep respect and admiration for the loyalty that has been displayed to the parliamentary Labor Party and to the leader that the team has put in place in this chair. For the period in which I have so far been here I want to express the appreciation for the team that has made that loyalty available to me.

Members will appreciate that in this role I have a couple of additional people that I especially want to thank in addition to those whom the Leader of the Government has mentioned. They are, of course, my deputy, Hon Nick Griffiths, who has been of tremendous support to our team. I want also to make particular mention of and reference to my appreciation for the work of the Opposition Whip in this place. Hon Bob Thomas has been superb in moving towards ensuring that we get our processes right. The mistakes have not been his; they have been in part mine but in part the team's, as we try to ensure that we all understand the necessity of recognising what those bells are for - if we can hear them.

As well I place on record my appreciation for the personal office staff that is available to the Leader of the Opposition and to the team which I lead. In particular, I mention Peter McKerrow, Erik Locke and Steve Wainwright, who is now available for the upper House parliamentary team. Their collective efforts are top quality and very much appreciated.

Finally, Mr President, you will know that in the period in which we have served in this Chamber together that I am capable of great clashes with anyone, particularly if they happen to be in an authority role. That can mean from time to time that there are opportunities for clashes as people have seen in the past between the Chair and me. I have appreciated the opportunity to grow into the role in this chair with an appreciation of the role that you have adopted in the Chair into which you moved this year. I am particularly appreciative of the way that you have accommodated both the Opposition and the Leader of the Opposition in doing the work that is required of me and my parliamentary colleagues in this place.



I appreciate the opportunity of working with government members. Across the political divide all of them have shown a great capacity for appropriate human relations. That has been appreciated, not only by me, but by the parliamentary team. We welcome the presence of the Democrats this year. We recognise them as political opponents and sometimes political colleagues. We have welcomed the opportunity of working with them. We welcome also the presence of the three Greens (WA) members, who we recognise as political opponents, but also from time to time as parliamentary colleagues in this place. It has been a refreshing opportunity for opposition members to work as a party with their presence in this Chamber in, it is hoped, the best interests of Western Australia.

I wish all those in the Parliament - staff, members, and the whole kit and caboodle - a restful period as we complete this parliamentary session and get back into the electorate and back into our committee work as we wait for the Christmas period, a short break, and then back into the next parliamentary session. I express that appreciation and good wishes on behalf of the Opposition

**HON HELEN HODGSON** (North Metropolitan) [9.11 pm]: The Democrats have been in this Chamber for a little over six months; I think the six month anniversary was last Saturday. It has been a steep learning curve for my colleague, Hon Norm Kelly, and me. We could not have done it without the assistance of all the people here with much more experience in this place than we have. The President, the Deputy President, and all the Deputy Chairmen have been willing to assist us when we have run into difficulty with the processes and have simply been trying to learn the way this place operates. We sincerely thank them all for that.

In particular, the staff of the Chamber - the Clerks, the procedure officers and all the Chamber staff - were willing to assist us before we took our seats when we floated around as visitors, trying to learn what we could in advance, and they have continued to assist us throughout the year. It was enormously helpful to know that people were able to give us advice and assist us in learning what we were going to be doing once we came to this place. Other staff, such as security and catering, are less visible. We rarely see these invisible hands, but this place would not function efficiently without them. I mention also the Hansard staff. In spite of the fact that members do not always return our copy as promptly as we should, we appreciate the task Hansard does deciphering what we say and going through the documents and scrappy notes we are sometimes asked to provide to back up what we have said.

I offer my sincere thanks to everybody who has made our first six months in this place far more easy than it would otherwise have been. I thank also our parliamentary colleagues - government members, Labor Party members and the Greens. This year has involved a learning curve on how to negotiate the business of the Chamber and observe the appropriate conventions and, at the same time, ensure that we can progress the business in a way that we feel the business should be progressed. I believe we are making progress in that respect. Increasingly we are learning to work with each other in a way that achieves an outcome that is satisfactory to everybody concerned. Indicative of that is the fact that although I was warned that the last couple of weeks of a session are horror weeks with late night sittings and tempers becoming frayed as people become increasingly tired, we have been able to get through the business before us in a manner that has meant that has not been necessary. The few late night sittings we had were generally conducted with decorum and without any major problem. I wish all members, all staff, and everybody with whom we have been associated in the past six months Christmas cheer and best wishes. We will see them all next year.

**HON CHRISTINE SHARP** (South West) [9.15 pm]: On behalf of my colleagues, Hon Giz Watson and Hon Jim Scott, I will make a few simple comments. It seems it is time for true confessions this evening. I was not prepared for this; however, I will make a true confession to all members. When I ran for Parliament in December I was thinking about the planet, the State and the environment. I had not spent a lot of time thinking about this place and the reality that we would be crammed in here together for many weeks over a year and what a challenge that would be - and how I would manage to live with the carpets! I thank every person in this Chamber for helping the Greens fly off the deep end as we have done this year in tackling some major issues. In particular, I thank you, Mr President, for your help in dealing with new members who are very "green" in their deliberations. We are very much looking forward to the next three years together.

**THE PRESIDENT** (Hon George Cash): I thank members who have spoken, particularly for their expressions of goodwill and appreciation to all staff at Parliament House. Clearly the representative departmental heads are not able to express their appreciation of members' comments; that pleasure is mine. The Leader of the House, the Leader of the Opposition, Hon Helen Hodgson and Hon Christine Sharp mentioned the hard work all staff at Parliament House do on behalf of the members. In the past two months the Speaker and I have held five separate functions at Parliament House. We have taken individual departments week by week to a small function in the Cabinet Dining Room for the express purpose of saying "thank you" on behalf of members for the work they have done. Each year at the end of a session warm wishes are tended from leaders of the parties to our staff. However, both the Speaker and I thought it was appropriate that we should meet staff members individually and convey to them the appreciation of all members for the great work they do here at Parliament House.

Obviously I want to thank a number of people, in particular the Leader of the House, the Leader of the Opposition and the leaders of the representative minor parties, for the cooperation they extended to me during this year. I extend that thanks to all members. The Leader of the Opposition is right: This year has not seen the turmoil we have seen in previous years. That in part relates to the change in the composition of the House, but more than that, to the maturity we have all experienced over the past six months.

I thank the Clerk of the House, Mr Laurie Marquet; the Deputy Clerk, Ian Allnutt; Deputy Clerk - Committees, Stuart Kay; Malcolm Peacock and all Chamber staff for the support and assistance they have given me during the past six months. I obviously urge them to continue that. Two particular people in Parliament House work for me, Lorraine Coogan and Jay Gargett, and I thank them for the work they have done in supporting me during the period I have been President.

Members will be aware that it is intended to change the structure of the five departments at Parliament House and develop three strong departments. To date, there has been consultation with members of staff, and both the Speaker and I want to ensure that members of staff have an opportunity to express their views in the new structure that we hope will be in place some time in the new year.

We are now moving into the Christmas recess period. I express my best wishes to members and their families. I hope they have a festive time but, more than that, a safe Christmas period, and that we shall see them all back here fighting fit in March next year.

Before I close, I indicate that minor works will be undertaken at Parliament House during the Christmas period. That will include a general upgrading and installation of toilets for the disabled on the eastern side of the building; the courtyard will be painted an off-white or cream colour to try to reduce some of the glare; and some parts of the building will be steam cleaned. Members will be interested to know that it had been intended to steam clean most of the outside facade, but the engineers advised that if some of the building were steam cleaned it would shatter and collapse. That indicates the condition of some parts of Parliament House. There will also be modifications to the lighting in this Chamber and replacement of a door frame in the corridor to the rear of this chair. Other general works will be done, as is usual during that period, but some additional works have been scheduled to try to make improvements to this place.

In the past two days, along with the Speaker, I have met with the Premier to try to encourage him to ensure there is adequate funding for additional work at Parliament House. I urge the Ministers, when budget time comes around, to recognise that this is an old building. It is a heritage building and it should be a premier public building. There is a need for money to be spent on it, not because we want the grandest building in town but because, by not spending money we are costing the taxpayers huge amounts in general repairs to bring the building back to a reasonable state.

On behalf of the staff at Parliament House, I thank members for their expressions of appreciation and I will ensure staff are made aware of those comments.

Question put and passed.

*House adjourned at 9.23 pm*

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**QUESTIONS ON NOTICE**

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

**ABORIGINES - PASTORAL LEASES**

314. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) How many pastoral leases are currently held by -
  - (a) the Aboriginal Lands Trust; and
  - (b) ATSIC,for and on behalf of Aboriginal communities?
- (2) How many other pastoral leases are held by other entities for and on behalf of Aboriginal interests?
- (3) What is that entity in each case?

Hon E.J. CHARLTON replied:

- (1)
  - (a) Four pastoral leases are currently held by the Aboriginal Lands Trust and are occupied and managed by Aboriginal communities with no formal sub-lease arrangements in place. A further two pastoral leases are also held by the Aboriginal Lands Trust but formally sub-leased to Aboriginal communities.
  - (b) Not known. It is understood that ATSIC has funded the purchase of a number of pastoral leases but that each purchase has been made in the name of the Aboriginal organisation/community that is to occupy and run the lease. The Aboriginal Affairs Department is not aware of any pastoral lease being held in the name of ATSIC on behalf of an Aboriginal community or organisation. Further details can be obtained by contacting the ATSIC direct.
- (2) Not known. Records of pastoral leases (other than those held by the Aboriginal Lands Trust) which may be being held for or on behalf of Aboriginal interests are not maintained by the Aboriginal Affairs Department. It is understood that records maintained by the pastoral Board do not discriminate between pastoral lessees on the basis of race.
- (3) See response to question 2 (above).

**HOMESWEST - MORTGAGE AND RENT ASSISTANCE**

*Funding*

374. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) How much did Homeswest receive from the Federal Government for mortgage and rent assistance in 1993/94 under the Commonwealth States Housing Agreement ("CSHA")?
- (2) How much was allocated to the Western Australian mortgage and rent assistance program in 1993/94?
- (3) How much was paid to Western Australia for the mortgage and rent assistance program in 1993/94?
- (4) Did Homeswest use mortgage and rent assistance funds from the CSHA to pay settlement fees for Homeswest loan recipients and tenants purchasing a commission property?

Hon MAX EVANS replied:

- (1) \$681,000 was received in 1993/94.
- (2) Allocation was \$2,933,000 for 1993/94.
- (3) \$681,000 was received with the balance of the 1993/94 allocation of \$2,252,000 being received by Homeswest in 1994/95.
- (4) Yes, cash assistance of \$1,196,732 was provided during 1993/94 for the payment of settlement fees in accordance with the provisions of the Mortgage and Rent Assistance Program.

## GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

*Funding*

437. Hon TOM STEPHENS to the Minister for Transport:

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

Hon E.J. CHARLTON replied:

## Department of Transport

- (1) All the Department of Transport's (Transport) programs aim to provide equality of access for all Western Australians. Particular emphasis is given to meeting the transport challenges created by the remoteness, distances, climate and small and scattered population settlements that characterise much of country Western Australia. Aboriginal persons benefit from these mainstream programs along with the wider community.
- (2) Recent Transport mainstream programs which have delivered direct benefits to Aboriginal persons include:
  - (a) Regional Airport Development:
    - \* upgrading of Fitzroy Crossing, Halls Creek and Wiluna airstrips to all weather capability.
    - \* upgrading of Munjina airstrip for emergency use.
  - (b) Regional Passenger Services:
    - \* subsidies to ensure the provision of the following air services:
      - Perth via Geraldton to Kalbarri.
      - Port Hedland to Marble Bar, Woodie Woodie, Telfer.
      - Derby to Fitzroy Crossing, Halls Creek, Kununurra.
    - \* subsidies to ensure the provision of the following bus and taxi services:
      - Albany
      - Bunbury
      - Busselton
      - Coastal (Leeman - Perth)
      - Geraldton
      - Kalgoorlie - Boulder
      - Mandurah
      - Mandurah - Pinjarra
      - Onslow (two taxi services)
      - Pilbara
      - Port Hedland
    - \* passenger travel concessions for pensioners, seniors and students to ensure access to transport for people disadvantaged by disability, location or income.
    - \* transport assistance to ensure students can access appropriate educational facilities.
    - \* Taxi Users Subsidy Scheme to assist people with severe and permanent disabilities which prevent them from using public transport unaccompanied.
  - (c) Regional Freight Services:
    - \* provision of a barge landing and link road for the Kalumburu Aboriginal Community (funded by Main Roads Western Australia)
    - \* subsidies to ensure a shipping service for the North West.
  - (d) Primary Production Assistance:
    - \* subsidies to farmers, pastoralists and other primary producers for motor spirit used off road.
  - (e) Regional Transport Strategies:
    - \* a program to develop transport strategies for each of the nine non-metropolitan regions of Western Australia. As well as recommending transport infrastructure and services for

the remote communities in these regions, these strategies propose actions to address specific requirements of Aboriginal communities, such as:

- upgrading the Cape Leveque airstrip and link roads to neighbouring communities.
- assessing needs and preparing a development plan for a network of airstrips to provide acceptable levels of general and Royal Flying Doctor Service access.

- (3) \$61.24 million of State Government funds on Transport mainstream programs which have delivered direct benefits to Aboriginal persons.
- (4) Transport Co-ordination Fund.

#### Main Roads Western Australia

- (1)-(4) Main Roads is liaising with the Aboriginal Employment Office to develop strategies to provide employment opportunities for Aboriginals. An Aboriginal Liaison Officer has been appointed by Main Roads. In 1996/97 road programs to assist in, and advance the welfare of Aboriginal Persons include:

- (a) Federal Local Roads Grant \$1 335 200
- (b) State Matching Contribution of \$667 600 to the Federal funds
- (c) State Funds \$454 400 for access roads mainly to remote Aboriginal communities

In 1997/98 similar levels of funding are expected to be available for this purpose. It is expected that a pilot project to develop a road plant organisation for communities on the Dampier Peninsula (Kimberley) will commence in 1997/98 with joint funding of \$750 000 from State and Commonwealth, ie \$375 000 each.

#### GOVERNMENT CONTRACTS - STANTON PARTNERS

492. Hon KIM CHANCE to the Minister for Transport:

- (1) Has the Department of Transport, or any other agency within the Minister's portfolio, entered into a contract or contracts with accountancy firm Stanton Partners?
- (2) If so, which agency has done so and when was the contract entered into?

Hon E.J. CHARLTON replied:

#### Department of Transport

- (1) Yes. The Department of Transport has entered into contracts with Stanton Partners.
- (2) \*
- \* Assist in preparation of Maritime Trust proposals - April 1995.
  - \* Write an accounting manual - June 1996.
  - \* Calculate employee liabilities - June 1996.
  - \* Review of Financial Systems - February 1997.
  - \* Review of Finance function - February 1997.

#### Main Roads Western Australia

- (1) Yes.
- (2) Main Roads. Various contracts have been let as follows:-

Contract	Award Date
93Q42	02.05.94
94Q39	11.11.94
340/94	05.05.95
189/95	21.09.95
157/96	04.10.96
622/96	26.02.97
801/96	07.05.97

#### Eastern Goldfields Transport Board

- (1)-(2) The Eastern Goldfields Transport Board had a contract with Stanton Partners to complete internal audits of financial years ending June 1993, June 1994 and June 1995. No further contracts have been let involving Stanton Partners since.

## ENVIRONMENT - REPORTS

*Public Release*

712. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) Will the Minister for the Environment indicate when the following important Government reports will be publicly released -
- (a) Nature Conservation Strategy for WA (draft 1992);
  - (b) South West Wetlands EPP (draft 1993);
  - (c) Swan-Canning EPP (draft 1994);
  - (d) Western Swamp Tortoise EPP (draft 1993);
  - (e) Gngangara Mound EPP (draft 1989);
  - (f) Jandakot Mound EPP (draft 1989);
  - (g) State Wetlands Policy (draft 1992);
  - (h) Ecotourism Strategy (draft 1992);
  - (i) Cape Range Karst Report (draft 1996);
  - (j) Wildlife Conservation Act Amendments (draft 1992);
  - (k) Green Waste strategy (promised 1993);
  - (l) Regional Parks Policy (promised since 1983);
  - (m) Rangelands Management Policy (draft 1995);
  - (n) Response to the 1993 Marine Reserves (Wilson) Report;
  - (o) Waste Oil Strategy (promised 1993);
  - (p) Waste Minimisation Strategy (promised in 1993);
  - (q) CALM-AHC report on conservation values in the southern forests (started 1992);
  - (r) Simcoa jarrah fauna study (started 10 years ago, never published); and
  - (s) Karijini National Park Management Plan (started 1986)?
- (2) If any of these reports are not ready for public release, will the Minister detail their progress, level of completion and the amount of resources allocated towards their completion?

Hon MAX EVANS replied:

- (1)-(2) (a) Delayed by litigation.
- (b) Early 1998.
- (c) Draft EPP released for public comment in October 1995. Ministerial consultation on revised draft to occur late 1997. Public release of final EPP to follow.
- (d) Revised draft EPP to be released for comment in early 1998.
- (e)-(f) Suspended pending State Groundwater Environmental Protection Policy.
- (g) 23 August 1997.
- (h) 10 September 1997.
- (i) Early 1998.
- (j) As advised in another place on 30 April, new legislation is being drafted and may be introduced to Parliament at the end of 1998.
- (k) Early 1998.
- (l) Released on 8 June 1997.
- (m) Agriculture Western Australia advises that the Rangelands Management Policy Report will be publicly released before the end of the year.
- (n) The analysis of public submissions on the report was released early in November, and a revision of the 1994 'New Horizons in Marine Management' policy is nearing completion.
- (o) Delayed pending decision by the Commonwealth on extending the diesel fuel excise to recycled oil products used as transport fuels.
- (p) Released on 15 August 1997.
- (q) Overtaken by the Regional Forest Agreement assessment process.

- (r) Annual Report for 1996 on progress with study is available. Final report follows completion of the three year study in 1998.
- (s) Early 1998.

## EMPLOYMENT AND TRAINING - APPRENTICESHIPS

*Great Southern*

840. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

Further to part (1) of question on notice 731 of 1997: In percentage terms what is the rate of successful completion of apprenticeships in the Great Southern for the years -

- (a) 1990/91;  
 (b) 1991/92;  
 (c) 1992/93;  
 (d) 1993/94;  
 (e) 1994/95;  
 (f) 1995/96; and  
 (g) 1996/97?

Hon N.F. MOORE replied:

The following percentages were calculated by dividing the successful completions by the number of all completions and multiplied by 100%. The term "all completions" includes successful completions, unsuccessful completions, unresulted completions and cancellations.

- |     |         |     |
|-----|---------|-----|
| (a) | 1990/91 | 54% |
| (b) | 1991/92 | 80% |
| (c) | 1992/93 | 74% |
| (d) | 1993/94 | 75% |
| (e) | 1994/95 | 56% |
| (f) | 1995/96 | 55% |
| (g) | 1996/97 | 63% |

## EMPLOYMENT AND TRAINING - APPRENTICESHIPS

*Great Southern*

841. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

Further to part (1) of question on notice 732 of 1997: In percentage terms what is the rate of successful completion of traineeships in the Great Southern for the years -

- (a) 1990/91;  
 (b) 1991/92;  
 (c) 1992/93;  
 (d) 1993/94;  
 (e) 1994/95;  
 (f) 1995/96; and  
 (g) 1996/97?

Hon N.F. MOORE replied:

The following percentages were calculated by dividing the successful completions by the number of all completions and multiplied by 100%. The term "all completions" includes successful completions, unsuccessful completions, unresulted completions and cancellations.

- |     |         |               |
|-----|---------|---------------|
| (a) | 1990/91 | 63 per cent   |
| (b) | 1991/92 | 50 per cent   |
| (c) | 1992/93 | 63 per cent   |
| (d) | 1993/94 | 57 per cent   |
| (e) | 1994/95 | 52 per cent   |
| (f) | 1995/96 | 46 per cent   |
| (g) | 1996/97 | 34 per cent - |

Accurate completion rates for Traineeships in 1996/97 will not be available until July 1998. This is due to a Training Agreement being in place for 12 months and there will be a number of Traineeships which commenced in 1996/97 (eg May 1997). Technically an unresulted completion at the time of querying the Training Records System, may well be successfully completed at a future date.

## PORTS AND HARBOURS - NAVAL BASE, KWINANA

*New Container Port - Strategic Assessment*

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

- (1) Is the Minister for the Environment aware that the Fremantle-Rockingham Industrial Area Regional Strategy (FRIARS) is considering options for the future development of the Kwinana Industrial Area?
- (2) Is the Minister aware that the FRIARS study assumes that a new container port will be built at Naval Base?
- (3) In view of the fact that the FRIARS approach is based on this port proposal, will the Minister instruct the Environmental Protection Authority to carry out a strategic assessment of the port proposal under section 14 of the *Environmental Protection Act*?
- (4) If yes, when?
- (5) If not, why not?
- (6) Is the Minister concerned that the Minister for Planning has initiated the FRIARS study without first requesting advice from the Minister's department on the acceptability of the new port proposal?
- (7) If yes, will the Minister request that the Minister for Planning halt the FRIARS study until the port proposal has been assessed?

Hon MAX EVANS replied:

- (1) Yes.
- (2) I am aware that the FRIARS study assumes that a new port will be built in the general Naval Base area.
- (3) The Environmental Protection Act does not currently allow the EPA to carry out strategic assessments. However, any new port would require appropriate zoning under the Metropolitan Region Scheme, and the EPA could then assess that proposal under Section 48A of the Act once the re-zoning for the land has been initiated.
- (4)-(5) See (3) above.
- (6) Any new port would need to go through a rigorous environmental impact assessment to show that it can meet strict environmental criteria. This can best be achieved through assessment through Part IV of the Act when plans for the port are more advanced.
- (7) Not applicable.

## FISHERIES - WEST COAST ROCK LOBSTER

*Pot Maximum*

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

In reference to the Minister for Fisheries' answer to question without notice No.761 -

- (1) Why has the 7/10 rule been amended so that smaller vessels can carry more pots and so increase their commercial efficiency, and the 150 pot rule been ignored, leaving those affected to suffer increasing costs of operation without the ability to generate more income in difficult market circumstances?
- (2) Will amending the 7/10 rule itself accelerate the reduction in fleet size?
- (3) Will amending the 7/10 rule allow more licence holders to add pots to their licences than those who might add pots to their licence if the 150 pot rule was amended?
- (4) Is the Minister aware that under the current rules that the number of vessels in the fleet could potentially fall to approximately 450 vessels?
- (5) As the prospect of a reduction of the size of the fleet is a major concern of the Rock Lobster Industry Advisory Committee, could the Minister advise of what other actions he will take to halt this decline?
- (6) If the Minister is concerned as to the impact of any decline in the size of the fleet will have on small coastal communities could he please advise why the abolition of the home porting rule was implemented?
- (7) Will licence reactivation halt the decline in the Rock Lobster fleet?



- (8) If not, will the Minister give reasons why licence reactivation was introduced?
- (9) Could the Minister please clarify what perceived equity means and how it affects different sized vessels with different sized pot entitlements?
- (10) Is it the policy of the Government to maximise the economic efficiency of the fleet while at all times protecting the resource?
- (11) Can the Minister please advise of what arrangements were made at the time of the 18 per cent pot reduction, for those operators who held in excess of 150 pots?
- (12) Would the Minister please advise at what time the limit of the maximum pot holding was reduced down from 200 pots to 150 pots?
- (13) At the time the decision referred to in (12) above was made, did the 150 pot limit apply to a total pot holding of 150, or, to the total number of usable pots being limited to 150?
- (14) Is the Government attempting to discourage multiple ownership of Rock Lobster licences?
- (15) The removal of the 7/10 pot rule could create unwanted concentrations of effort, [ie an eight (8) metre vessel operating in the shallows of the Abrolhos] can now use 123 pots. Could an operator of an eight (8) metre vessel with 63 pots see this as a perceived equity?
- (16) How does the Minister propose to address this issue?

Hon E.J. CHARLTON replied:

- (1)-(16) The decision to remove the 7/10 rule and retain the 150 maximum pot holding was based on advice from the Rock Lobster Industry Advisory Committee (RLIAC) with the broad support of industry. Both the 7/10 rule and the 150 maximum pot holding have a long history and I would like to offer the member the opportunity of a briefing by the Executive Director of the Fisheries Department on these issues.

#### PARKS AND RESERVES - RESERVES 93/25 AND 182/25

##### *Long Term Plans*

923. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

- (1) What are the long term plans for Reserves 93/25 and 182/25 near Manjimup?
- (2) Can the Minister for the Environment guarantee that these reserves will not be the subject of land exchanges in the future?
- (3) Can the Minister also guarantee that these reserves will not be logged in the future?

Hon MAX EVANS replied:

- (1) Both the Timber Reserves 93/25 and 182/25 are planned to be managed for the range of multiple purposes as prescribed in the Conservation and Land Management Act and the Forest Management Plan (1994-2003).
- (2) No, but I can confirm that these reserves are not subject to land exchange discussions at this time.
- (3) No.

#### GOVERNMENT INSTRUMENTALITIES - CLUB OR ASSOCIATION MEMBERSHIPS

##### *Names and Cost*

966. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Has any Government department or agencies within your portfolios paid for membership to a club or association for a member of staff since February 1993?
- (2) If so, please provide -
  - (a) the name of the staff member;
  - (b) the name of the association; and
  - (c) the amount paid?

Hon E.J. CHARLTON replied:

I refer the member to my response to Parliamentary Question on Notice 763.

## GOVERNMENT INSTRUMENTALITIES - CLUB OR ASSOCIATION MEMBERSHIPS

*Names and Cost*

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

- (1) Has any Government department or agencies within the Minister for Labour Relations portfolios paid for membership to a club or association for a member of staff since February 1993?
- (2) If so, please provide -
  - (a) the name of the staff member;
  - (b) the name of the association; and
  - (c) the amount paid?

Hon PETER FOSS replied:

The information requested is not readily available and would require considerable research to extract and compile, and I am not prepared to commit valuable departmental resources for this purpose.

## WATER CORPORATION - BOARD

*Karratha Visit - Purpose and Cost*

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

- (1) What was the purpose of the visit by members of the Water Corporation Board to Karratha in August this year?
- (2) Who attended?
- (3) What was the cost of the visit?
- (4) What was the purpose and cost of these trips?

Hon MAX EVANS replied:

- (1) To inspect the Water Corporation's facilities in the region, meet with Karratha-based employees, visit the operations of major customers, and have discussions with those customers, local government representatives and other stakeholders.
- (2) The Chairman of the Board, the Hon. Peter Jones; Deputy Chairman, Mr Ian Kuba; Managing Director, Dr Jim Gill; and Directors Ms Michele Dolin and Mr Clayton Hyder. The Board was accompanied by Mr Peter Williams, the Water Corporation's General Manager Commercial.
- (3) \$6510 (including air fares and overnight accommodation).
- (4) Refer to (1) and (3) above.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION - MR S. KEAN

*Letters*

1102. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to letters dated October 15, 1996 and October 31, 1996 sent by Mr S Kean to the Perth office of the Department of Environmental Protection addressed to the Director, Pollution Prevention Division, Department of Environmental Protection, 141 St George's Terrace, Perth, WA, 6000 -

- (1) Can the Minister for the Environment check all the files and state whether both of the above letters have been received in the Perth office of the Department of Environmental Protection?
- (2) If not, why not?
- (3) Will the Minister instruct the Department of Environmental Protection to respond to all the queries in the letter dated October 15, 1996 from Mr S Kean given that it is over 12 months since the date of the letter?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) The DEP has checked its files already and advised Mr S Kean that there is no record of a letter of 15 October 1996 from him. Mr Kean was requested to provide a copy of his letter, however he has not as yet done so. The letter of 31 October 1996 (received by the DEP on 1 November 1996) sought a response to the letter of 15 October 1996.
- (3)-(4) Not applicable.

DEPARTMENT OF ENVIRONMENTAL PROTECTION - MR S. KEAN

*Letters*

1103. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to letters dated October 7, 1997 and July 11, 1996 sent to the Kalgoorlie Office of the Department of Environmental Protection from Mr S Kean -

- (1) Can the Minister for the Environment check all the files and state whether the above letter has been received by the Kalgoorlie Office of the Department of Environmental Protection?
- (2) If not, why not?
- (3) Will the Minister instruct the Department of Environmental Protection to respond to all the queries in the letter of July 11, 1996 given that it has been well over 15 months since the date of the letter?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) The DEP has checked its files already and has advised Mr S Kean that there is no record of a letter of 11 July 1996 from him. Mr Kean was requested to provide a copy of his letter, however he has not as yet done so.

The letter of 7 October 1997 (received by the DEP on 9 October 1997) sought a response to the letters of 23 September 1997 and 11 July 1996. The letter of 23 September 1997 (received by the DEP on 24 September 1997) also sought a response to the letter of 11 July 1996.

- (3)-(4) Not applicable.

ENVIRONMENT - RECYCLING

*Tyres - Imtech's Operation*

1110. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Has Imtech established a tyre recycling operation at Canning Vale as stated last year in an answer to a Parliamentary question?
- (2) How many tyres is Imtech planning to recycle this year?
- (3) Are tyres still being dumped in landfill sites?
- (4) If yes, at which sites and how many tyres have been dumped at each site to date?
- (5) How many tyres are permitted to be dumped at each site per annum?
- (6) What was the cost of the cleanup following the Bindoon tyre fire?
- (7) How much of this was paid by the Government and how much by the landfill operator?

Hon MAX EVANS replied:

- (1) No. Imtech have in the past, at different locations, conducted trials of recycling tyres.
- (2) This information is not known.
- (3) Yes.
- (4) Two sites in Perth have the approval of the Chief Executive Officer of Department of Environmental Protection to landfill scrap tyres. They are Eclipse Resources at Flynn Drive Wanneroo and Waste Stream Management at Thomas Road Kwinana. The number of tyres dumped at each site is not known.

- (5) There is no restriction.
- (6) Approximately \$605,000 for the clean-up and rehabilitation of the site excluding overheads.
- (7) All was paid by the Government but legal action is being pursued to recover the costs.

ROADS - FORRESTFIELD-KEWDALE MARSHALLING YARDS INDUSTRIAL ESTATE

1112. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

When is it proposed to construct -

- (a) the important regional road to service the industrial estate at the Forrestfield/Kewdale Marshalling Yards; and
- (b) the section of Dundas Road between Wittenoom Road and Kalamunda Road?

Hon E.J. CHARLTON replied:

- (a) Construction will be carried out in stages following rezoning of the land under the Metropolitan Region Scheme and when planning approval is subsequently obtained from the Shire of Kalamunda.
- (b) I understand this section of Dundas Road will be constructed in 1999/2000 by the Kalamunda Shire.

EMPLOYMENT AND TRAINING - CARNARVON

*Officer Responsible for Locating Traineeships - Terms of Employment*

1114. Hon TOM STEPHENS to the Leader of the House representing the Minister for Employment and Training:

- (1) Does the Minister for Employment and Training's department employ or fund the employment of any person in Carnarvon to assist in locating traineeships for local unemployed people?
- (2) If yes, who is the person and from what office does the person work?
- (3) What is the cost of funding this person?
- (4) What are the person's specific duties?
- (5) How many persons has the person so employed placed in traineeships?

Hon N.F. MOORE replied:

- (1) No. However the Western Australian Department of Training funds the Geraldton based Midwest Group Training who promote Apprenticeships and Traineeships. Funding of \$141,300 has been provided to Midwest Group Training by the Department for the 1997/98 financial year. Midwest Group Training has independently established an office in Carnarvon. There are also two unfunded Group Training providers operating in Carnarvon, these are:

Gascoyne Employment and Skills Training, an arm of SkillShare Carnarvon; and  
Kuwinywardu Aboriginal Resource Unit (KARU).

- (2)-(5) Not applicable.

ENVIRONMENT - STANLEY ROAD, AUSTRALIND

*Licence to Bury Tyres*

1120. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:

- (1) What decision making process did the Department of Environmental Protection use to grant a licence to bury thousands of old tyres in Stanley Road, Australind?
- (2) Why was the Shire of Harvey excluded from the decision making process?
- (3) Can the Minister for the Environment explain why several safety provisions being considered by the Shire of Harvey in relation to this operation have been waived in the department's licence conditions?
- (4) Was the Minister involved in any stage of the decision making process in the granting of the licence?
- (5) When will the Minister review the Department of Environmental Protection's decision, in light of the recent appeal made by the Shire of Harvey?

Hon MAX EVANS replied:

- (1) The Department of Environmental Protection has licensed the Stanley Road inert landfill under the Environmental Protection Act. The Act includes provision to seek information from other agencies regarding conditions.
- (2) The Shire of Harvey has not been excluded from the decision making process. The Department of Environmental Protection's files clearly indicate that the Shire of Harvey and the Environmental Protection Authority gave the landfill approval to operate in 1992. Due to an oversight, the Shire was not initially advised of the recent licence application which requested approval to dispose of tyres. However, the current licensing process under the Act includes provision for appeals to the Minister for the Environment under section 102 of the Environmental Protection Act (against any aspect of the licence conditions). The Shire of Harvey has subsequently appealed against the acceptance and burial of tyres, and the appeal is pending.
- (3) The current licence conditions for the inert landfill include a set of specific enforceable licence conditions for the safe disposal of tyres. These conditions apply to all tyre landfill operations throughout the State. The Shire has now provided a submission on the licence conditions through the appeal process.
- (4) No. The licence was granted by the Department of Environmental Protection under the Environmental Protection Act with provision to appeal to the Minister.
- (5) The Appeals Convenor is currently considering the appeal lodged by the Shire of Harvey, and will meet with the Shire of Harvey and the Department of Environmental Protection to seek a resolution to the Shire's concerns.

#### MINING - OPTIMUM RESOURCES

##### *Oroya Tailings Dam - Exploration Drilling*

1125. Hon GIZ WATSON to the Minister for Mines:

I refer to a letter dated August 20, 1997 from the Minister for Mines referenced 83694, 83951, 83933. Part of this letter states "Regarding your claim that you have been unable to work on your tenement for the last four years, evidence has been collected by the department to show that exploration drilling using normal equipment can be undertaken to at least 90m in the immediate vicinity of your leases." -

- (1) Can the Minister state what evidence has been collected by the department which shows exploration drilling using normal equipment can be undertaken to at least 90m in the immediate vicinity of these particular leases?
- (2) If not, why not?
- (3) Can the Minister provide a scaled map showing where exploration drilling using normal equipment was undertaken to at least 90m in the vicinity of the leases?
- (4) If not, why not?
- (5) Can the Minister state by indicating the specific dates that "exploration drilling using normal equipment" was undertaken "to at least 90m in the immediate vicinity" of the leases?
- (6) If not, why not?
- (7) Can the Minister state what specific type of equipment was used and what the department means by the words "using normal equipment"?
- (8) If not, why not?
- (9) Can the Minister state why departmental officers have indicated that others who have access problems over similar ground in winter schedule their operations for the drier months of the year to avoid the problem?
- (10) If not, why not?
- (11) Can the Minister state why "access problems" on P26/1848 and P26/1858 caused by the leakage and seepage of mine water and pollutants from Fimiston I and Fimiston II tailings dam is not an inconvenience to the holder of P26/1848 and P26/1858 and a breach of regulation 98 of the *Mining Act 1978* and Regulations?
- (12) If not, why not?

- (13) Can the Minister indicate what he means by "no substantiated evidence has been presented"?
- (14) If not, why not?
- (15) Can the Minister state which tenements or operations, where there were reports of tree deaths, more than 5 kilometres from the Kalgoorlie Consolidated Gold Mines Pty Ltd and Optimum lease in question?
- (16) If not, why not?
- (17) Can the Minister state which Government organisations investigated these matters and what evidence was found by these organisations to warrant exoneration of the actions of the department?

Hon N.F. MOORE replied:

- (1) The evidence is comprised of two drilling programmes. The first was conducted by Optimum Resources in December 1996 and comprised drill holes located close to those portions of the perimeter of P26/1848 nearest to the Fimiston I and Fimiston II tailings storage facilities. The second drilling programme was conducted by KCGM in March 1997 comprising 4 holes, 2 north and 2 south of Optimum Resources leases, that is, they were both up-stream and down-stream and in the same drainage channel as Optimum Resources leases. Video and photographic evidence shows a front end loader digging a sump up to 1.5 metres deep in dry material and dried drill samples being collected before reaching significant ground water at 90 metres below the surface.
- (2) Not applicable.
- (3) See paper No 1125.
- (4) Not applicable.
- (5) Yes, Optimum Resources drilling program was in December 1996 - KCGM's drilling program was in March 1997.
- (6) Not applicable.
- (7) Optimum Resources did not report what equipment was used but photographs of the various sites indicate a vehicle with twin rear wheels, similar to most exploration drill rigs was used. KCGM used a drill rig, front end loader and support vehicles.
- The Department meant by the words "using normal equipment" the normal English usage of those words ie. equipment which a reasonable person with knowledge of the project would be expected to utilise to carry out a particular operation.
- (8) Not applicable.
- (9) As advice to assist Optimum Resources develop an effective exploration strategy.
- (10) Not applicable.
- (11) Tenements P26/1848 and P26/1858 have never been affected by any surface impact from Fimiston I or Fimiston II Tailings structures. As you state in your question 1131, a report initiated by the Water Authority indicates that seepage velocities beneath the surface around P26/1848 and P26/1858 are in the order of 1 to 10 metres per year. Fimiston I commenced operations in 1989 and Fimiston II in late 1991. Given that the closest proximity of any portion of the two tenements in question is some 400 metres from the structures it is extremely improbable that any sub-surface seepage could have affected either of the tenements.
- (12) Not applicable.
- (13) The normal English usage ie. evidence which is established by proof or has substance.
- (14) Not applicable.
- (15) The tree deaths in question occurred on the Boulder Golf Course and were reported to the Kalgoorlie Boulder Urban LandCare Group. The Golf course is covered by all or part of the following tenements; P (application) 26/259, P 26/2658 and M 26/95. There is no current mining activity on the Golf Course.
- (16) Not applicable.

- (17) The Ombudsman investigated these matters following a complaint from Steven Kean, a director of Optimum Resources. The Ombudsman commenced his investigations on 11.1.96 and terminated these on 27.12.96.

MINING - OPTIMUM RESOURCES

*Oroya Tailings Dam - Breach of Conditions*

1126. Hon GIZ WATSON to the Minister for Mines:

I refer to a letter dated June 1, 1995 addressed to Mr R J Crew, Chief Executive Officer, Kalgoorlie Consolidated Gold Mines Pty Ltd ("KCGM") from Hon George Cash, MLC, Minister for Mines -

- (1) Can the Minister for Mines state what the breach of conditions related to with respect to the Oroya tailing dams?
- (2) If not, why not?
- (3) Can the Minister state if a fine was imposed, on KCGM for the breach of conditions relating to the Oroya tailing dams?
- (4) If yes, what was the fine imposed?
- (5) If not, why not?
- (6) Can the Minister state whether the fine of \$57 500, referred to in the letter, has been paid?
- (7) If not, why not?

Hon N.F. MOORE replied:

- (1) The company did not immediately notify the district mining engineer that a leak associated with the operation of the tailings dam had occurred as required by Condition 12 of General purpose lease 26/8.
- (2) Not applicable.
- (3) Yes.
- (4) \$3 000
- (5) Not applicable.
- (6) Yes.
- (7) Not applicable.

MINING - OPTIMUM RESOURCES

*Oroya Tailings Dam - Leaks*

1127. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated January 20, 1995 from the Minister for the Environment, reference 941 1929. Part of this letter stated that seepage from the Oroya tailings dam is between 36 000 tonnes and 360 000 tonnes per year -

- (1) Is it correct that this amount had been seeping and leaking from the tailing dams?
- (2) Is it correct that the Golders Report indicated that the quality of water seeping from the dam, based on water quality into the dam, is of better quality than the surrounding groundwater?
- (3) If yes, can the Minister for the Environment cite the exact parts of the Golders Report which led to that conclusion?
- (4) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

## MINING - OPTIMUM RESOURCES

*Oroya Tailings Dam - Breach of Conditions*

1128. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the licence condition B1 on licence 5383 for the Oroya tailings dam operated by Kalgoorlie Consolidated Gold Mines Pty Ltd ("KCGM") -

- (1) Has the Government allowed, or is it allowing, KCGM to breach this condition?
- (2) If not, why does the Government believe there has been no discernible impairment of surface and ground waters when saline, alkaline and cyanide constituents have leaked from the Oroya tailings dam since February 1993?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION - REHABILITATION

*Powers*

1129. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated January 31, 1993 signed by Andrew Baker, reference L 14/67 -

- (1) Can the Minister for the Environment state whether the Department of Environmental Protection has the power to require rehabilitation?
- (2) If not, why not?
- (3) Can the Minister state how powers are conferred on the Department of Minerals and Energy under the *Mining Act*?
- (4) If not, why not?
- (5) Can the Minister state why the Department of Minerals and Energy has the role of arbiter?
- (6) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

## MINING - OPTIMUM RESOURCES

*Oroya Tailings Dam - Leaks*

1130. Hon GIZ WATSON to the Minister for Mines:

I refer to the answer to question on notice 889 of 1997 -

- (1) Can the Minister state what the specific request was and how the specific request was made by District Mining Engineer D Holly on or about November 10, 1993?
- (2) If not, why not?
- (3) Can the Minister state what the written request on December 22, 1993 was concerned with?
- (4) If not, why not?
- (5) The Minister has stated in response to part (5) of the above question "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". Can the Minister state to what degree was



the Department of Minerals and Energy controlling the environmental aspects of Kalgoorlie Consolidated Gold Mines Pty Ltd's operations on P26/1848 and P26/1858?

(6) If not, why not?

Hon N.F. MOORE replied:

- (1) The specific verbal request was for Mr Steven Kean to provide to the Department an affidavit of the inconvenience suffered by Optimum Resources.
- (2) Not applicable.
- (3) The letter referred to the inspection carried out by District Mining Engineer Dave Holly and a Departmental Environmental officer which was attended by Mr Steven Kean and Mr Ray Kean on 10 November 1993 following which Mr Steven Kean was requested to submit an affidavit regarding his grievances. The letter advised Mr Kean that his affidavit had not yet been received by the Department and requested he forward it.
- (4) Not applicable.
- (5) The Department of Minerals and Energy applies the Mining Act and its Regulations to all operating companies to the same degree.
- (6) Not applicable.

#### MINING - OPTIMUM RESOURCES

##### *Oroya Tailings Dam - Leaks*

1131. Hon GIZ WATSON to the Minister for Mines:

I refer to a letter signed by the Minister for Mines dated January 10, 1994, reference 3491 -

- (1) Is it correct that the report carried out at the direction of the Water Authority indicates that the seepage velocities beneath the surface are in order of 1 to 10 metres per year?
- (2) If not, why not?
- (3) Is it correct that such velocities would imply that the leakage is not directly affecting Optimum's P26/1848 and P26/1858?
- (4) If not, why not?
- (5) Can the Minister state the date on which the Department of Minerals and Energy ascertained that the leaks in the dam walls were impossible to stop?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) No. Velocity alone is not sufficient to determine the relationship between two points, a vector is also required.
- (4) Not applicable.
- (5) The Oroya tailings dam commenced operations in 1974. As a ringdyke or paddock style structure its design provides for leakage.
- (6) Not applicable.

#### MINING - OPTIMUM RESOURCES

##### *Pollution by Hyper Saline Waters*

1132. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated August 12, 1997 signed by Dr Bryan Jenkins addressed to Optimum Resources Pty Ltd -

- (1) Can the Minister for the Environment state how "it is possible for hyper-saline waters" to "cause pollution" as stated in the above letter?
- (2) If not, why not?
- (3) Can the Minister state on what specific dates Mr Harvey Johnstone had conveyed this information in previous correspondence?
- (4) If not, why not?
- (5) Can the Minister provide copies of when Mr Harvey Johnstone has conveyed this information in previous correspondence?
- (6) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

#### MINING - OPTIMUM RESOURCES

##### *Inconvenience*

1133. Hon GIZ WATSON to the Minister for Mines:

I refer to a file note to the Acting Director General from and signed by the Acting Director Mining Registration Division Mr R Burton, dated August 31, 1993 -

- (1) Can the Minister state how the department determined that Optimum had "clearly been inconvenienced"?
- (2) If not, why not?
- (3) Can the Minister state in what manner, and how, Optimum had been "inconvenienced"?
- (4) If not, why not?
- (5) Can the Minister state why no prosecution action against KCGM was taken for breaching Regulation 98 of the *Mining Act 1978*?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1) By conducting a site investigation.
- (2) Not applicable.
- (3) Approximately 8 per cent of the tenement in question had boggy ground and was temporarily not traffickable with heavy equipment.
- (4) Not applicable.
- (5) The water samples obtained from the boggy ground had a totally different chemical composition to the Oroya Tailings Dam which Optimum was claiming was the source of contamination. This marked chemical difference led the Department to believe that its chances of successfully prosecuting on the evidence available was extremely remote.
- (6) Not applicable.

#### MINING - TAILINGS

##### *Spillage*

1134. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated August 12, 1997 signed by Dr Bryan Jenkins reference 224/96-

- (1) What clear "evidence" did the Department of Environmental Protection have to be able to commence a prosecution in relation to spills from a tailings dam?

- (2) Can the Minister for the Environment state the number of "spills" from the tailings dam Dr Bryan Jenkins had referred to, the name of the tailings dam and the owner/operator of the tailings dam?
- (3) If not, why not?
- (4) Was the owner/operator of the tailings dam successfully prosecuted and fined?
- (5) If yes, how much of a fine was imposed on the owner/operator?
- (6) Can the Minister state what is "the standard of evidence to establish that pollution has occurred"?
- (7) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

#### MINING - FIMISTON TAILINGS STORAGE FACILITY

##### *Stop Work Order*

1135. Hon GIZ WATSON to the Minister for Mines:

I refer to question on notice number 833 September 9, 1997 and a file note to the Director General from the Director of Geological Survey dated November 18, 1996 -

- (1) Will the Minister or the Department of Minerals and Energy issue a stop work order under Regulation 120L of the *Mining Act 1978* to the owner(s) or operator(s) of the Fimiston I and Fimiston II tailings dams for continually breaching Regulation 98 of the *Mining Act 1978* by causing "inconvenience" to the holder of P26/1848 and P26/1858?
- (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.

#### MINING - FIMISTON TAILINGS STORAGE FACILITY

##### *Breach of Regulation*

1136. Hon GIZ WATSON to the Minister for Mines:

I refer to the answer to question on notice 833 of September 9, 1997 -

- (1) Can the Minister state why and for what reasons the "department's inspectorate is of the opinion" that a breach of Regulation 98 is not taking place?
- (2) If not, why not?
- (3) Can the Minister state how many times in September and October 1997 the Department of Minerals and Energy has been requested to investigate thoroughly with the holder of P26/1848 and P26/1858 to see the "evidence" of how mine water and pollutants from the Fimiston I and Fimiston II tailings dams is causing "inconvenience" and breaching the *Mining Act 1978* and Regulations?
- (4) If not, why not?
- (5) Will the Minister, with a degree of urgency, instruct the Department of Minerals and Energy to thoroughly investigate with the holder of P26/1848 and P26/1858 to see onsite the "evidence" of how mine water and pollutants from Fimiston I and Fimiston II tailings dams are causing "inconvenience" and breaching the *Mining Act 1978* and Regulations?
- (6) If not, why not?

- (7) Has the Minister and the department received further complaints from the holder/agents of P26/1848 and P26/1858 with "inconvenience" being caused with mine water and pollutants by the Fimiston I and Fimiston II tailings dams?
- (8) If yes, will the Minister and the Department of Minerals and Energy investigate thoroughly these "further complaints" of "inconvenience"?
- (9) If not, why not?

Hon N.F. MOORE replied:

- (1) There is no evidence that a breach of Regulation 98 is taking place.
- (2) Not applicable.
- (3) Yes; five times by Mr Steven Kean, a director of Optimum Resources and twice by his father Mr Ray Kean.
- (4) Not applicable.
- (5) No.
- (6) The Department of Minerals and Energy's most recent investigation of P26/1848 and P26/1858 was carried out on 27 August 1997 when the Manager Environment and rehabilitation and an Environmental officer of the Kalgoorlie office were accompanied by Mr Steve Kean and Mr Fred Holden, Co-Directors of Optimum Resources, and Mr Ray Kean, Consultant to Optimum Resources. This investigation produced no evidence of mine water or pollutants from Fimiston 1 and Fimiston 11 tailings dams causing any "inconvenience" to the tenements in question.
- (7) Yes.
- (8) No.
- (9) The most recent investigation was undertaken on 27 August 1997 and further investigation is not warranted at this stage.

COMMITTEES - SELECT COMMITTEE ON CAPE RANGE NATIONAL PARK AND NINGALOO MARINE PARK

*Report - Government's Response*

1146. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

I refer to the Minister for the Environment's response to question without notice 888 and ask -

- (1) Does the Government's response to the report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park effectively rule out development of shore based tourist accommodation on the west coast of the North West Cape?
- (2) Can the Minister outline where the Government's position, as outlined in its response to the first report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park, is distinct and or inconsistent from the recommendations of the above mentioned report?

Hon MAX EVANS replied:

I draw the member's attention to the response to earlier questions on 16 October 1997 where it was confirmed that the Government's position is contained in the response tabled in the Legislative Assembly on 18 September 1997.

FORESTS AND FORESTRY - WESFARMERS-BUNNINGS GROUP OF COMPANIES

*Notices of Intent - Number*

1157. Hon NORM KELLY to the Minister for Transport representing the Minister for Primary Industry:

- (1) Have any of the Wesfarmers-Bunnings group of companies, including Bunnings Treefarms, submitted "Notices of Intent" ("NOI") to clear native vegetation on privately owned land for the purpose of planting pine or bluegum over the past five years?
- (2) If yes, for each notice -

- (a) which Wesfarmers-Bunnings company submitted the NOI;
  - (b) who owns the land in question;
  - (c) what was the location of the land subject to the NOI;
  - (d) what area of native vegetation was covered by the NOI;
  - (e) was the NOI objected to by the Commissioner;
  - (f) has that vegetation in fact been cleared, and if so, what area has actually been cleared?
- (3) Are any clearing NOI's pending, and if so -
- (a) which Wesfarmers-Bunnings company submitted the NOI;
  - (b) who owns the land in question;
  - (c) what is the location of the NOI;
  - (d) what area of native vegetation is subject to the clearing NOI;
  - (e) what is the vegetation type that is subject to the clearing NOI?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) (i) Bunnings Treefarms.  
(ii) Bunnings Forest Products Pty Ltd.  
(iii) Murray Location 526, 529, 530.  
(iv) 95ha.  
(v) No.  
(vi) No vegetation has been cleared.
- (3) Yes.  
(i) Bunnings Treefarms.  
(ii) Bunnings Forest Products Pty Ltd.  
(iii) Murray Location 526, 529, 530.  
(iv) 95ha.  
(v) Old regrowth Eucalyptus *marginata* and E. *callophylla*.

In addition to the above information, there may be instances where Wesfarmers Bunnings are sharefarmers but not owners and not required under the Soil and Land Conservation Act 1945 to lodge a Notice of Intent to clear.

#### HEALTH - OSTEOPATHS

##### *Hatchard Way Method*

1163. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

How will manipulative muscle therapists practising the Hatchard Way method be treated under the *Osteopaths Bill* which is currently before the House?

Hon MAX EVANS replied:

Inquiries in relation to the Hatchard Way method have provided no information. Therefore, I cannot specifically respond to this question. However, amendments to the definition in the Bill have made clear that if the masseur performs a technique in relation to the treatment of muscles only (myofascial structures) and not the related components of the body system, that person's conduct would not fall within the definition of osteopathy. Therefore, the Osteopaths Bill would not impact upon the person's practice in any way.

#### HOMOSEXUALITY - STATISTICS

##### *Accuracy*

1165. Hon GREG SMITH to the to Hon Helen Hodgson:

In relation to Order of the Day No 53 of Wednesday, November 12, 1997, in the second reading speech you stated that 33 per cent of men have had a homosexual experience and in your answer to question on notice 1089 you have said that the statistics came from a 1948 study conducted by Kinsey, Pomeroy and Martin titled "Sexual Behaviour in the Human Male" -

- (1) Are the methods that were used in the collection of statistics in this study comparable to current recognised research methods?
- (2) Has there ever been any substantiated doubt cast on the integrity of the Kinsey Report?
- (3) Given that the statistics quoted are 50 years old, are there any more up to date statistics to substantiate your figures?

(4) According to the survey, what constituted a "homosexual experience"?

Hon HELEN HODGSON replied:

- (1) The methods used in the Kinsey et al studies are essentially similar to those currently used in, and recognised as appropriate for, large sexual surveys:
  - (a) The methodology involved in-depth interviews using a carefully designed standardised questionnaire. Kinsey et al analyses of the methodology and data were extremely thorough, leading to the production of two volumes, one on male sexuality and one on female sexuality, with each volume running to almost 800 pages.
  - (b) Substantial numbers of individuals were surveyed, representing a range of social and demographic groups. Kinsey et al surveyed over 20 000 individuals for their entire study.
  - (c) Sexual behaviour was surveyed broadly, with examination of homosexual behaviour being simply one part of the interview schedule.

It is also recognised that, as a result of very careful interviewing techniques, Kinsey et al probably tapped into people's sexual experiences that had previously been hidden, hence revealing levels of homosexual behaviour that had not been identified before. He found that a substantial proportion of the population had engaged in at least one homosexual experience during their lives, and that there were considerable numbers who had engaged in varying degrees of homosexual and heterosexual behaviour. On the basis of his results he devised a 7-point scale which showed these variations. At point 0 was exclusive heterosexual behaviour while at point 6 was exclusive homosexual behaviour. From 1-5 were individuals who displayed various combinations of both activities.

He found that while 4 per cent of males registered at a 6 - that is engaged exclusively in homosexual sexual activity - 37 per cent of males registered as a 1; that is, had engaged in homosexual behaviour since puberty. In common parlance this is usually described as about a third but the actual figure is 37 per cent. For points 2-6 he found that 25 per cent of males had had "more than incidental homosexual experiences" for at least three years between 16 and 55 years. Combining points 5 and 6 revealed that 10 per cent of males had more or less exclusive homosexual activity for at least three years between 16 and 55 years. Figures for women tended to be about one third to a half lower than men. On the basis of these figures Kinsey et al concluded that homosexual behaviours were common amongst men.

- (2) Essentially, there has been no substantiated doubt cast on the integrity of the Kinsey et al studies or reports although some different analyses of the figures have drawn conclusions that qualify the figures. The Kinsey et al studies have generally been held in such high regard by the scientific community that it was not until the 1970s, with new methods and data emerging, that researchers began conducting new sex surveys and examining Kinsey's findings in the light of the new results.

In 1985 a seminar was held with many scholars from around the world to examine the relevance of the Kinsey et al work as it applied to modern concepts of sexual orientation. These scholars indicated they held considerable respect for all aspects of the studies while recognising that some of the concepts needed updating. The symposium findings are published in the book -

McWhirter, D., Sanders, S., & Reinisch, J. (Eds)  
Homosexual/Heterosexual: Concepts of Sexual Orientation  
 London: Oxford University Press, 1990

In regard to homosexuality, it is still accepted that the Kinsey et al findings are valid. That is, that a substantial proportion of individuals in the population have engaged in homosexual sexual activity, and that many engage in both homosexual as well as heterosexual activity.

- (3) Five large sex surveys have been completed since the Kinsey et al studies. These have all been published since 1992. The most significant is the national health and social life survey conducted by Laumann et al (1994). These studies used standardised questionnaires during interviews, as did Kinsey et al.

Although these studies are not exactly comparable with Kinsey et al's work, the recent studies have tended to show somewhat lower incidences of homosexual behaviour. Given the lower figures in the modern surveys, there is recognition in the literature that, despite all efforts to obtain accurate information, the

results probably under-represent the amount of homosexual behaviour engaged in, as a result of individuals underplaying their sexual activity because of prevailing negative attitudes.

Modern surveys differentiate between homosexual behaviour such as Kinsey et al studied, homosexual desire - the attraction towards someone of the same gender - and homosexual identity - labelling oneself as homosexual.

Results from the Laumann et al study revealed that 9 per cent of women and 10 per cent of men reported experiencing homosexual behaviour, desire or identity since 18 years of age. Of the 10 per cent men, the breakdown between different types of homosexual experiences is -

(1)	behaviour only	22 per cent
(2)	desire only	44 per cent
(3)	desire and behaviour	6 per cent
(4)	behaviour, desire and identity	24 per cent
(5)	identity only	2 per cent
(6)	identity and desire	1 per cent

Amongst the first three categories of behaviour individuals would be included who identify as heterosexual. In the fourth group would be found men who identify as gay or homosexual.

Like the Kinsey et al figures, the Laumann et al study shows that homosexual behaviour is not equivalent to those who see themselves as homosexual. That is, there are many men who engage in homosexual behaviour who would not be considered to be "gay". Hence, any legislation that classifies homosexual behaviour as criminal activity will sweep into its net men whose attractions are, to some degree, heterosexual.

- (4) Kinsey et al classified a homosexual experience as sexual activity with someone of the same gender to the point of orgasm. A similar definition is used in the modern surveys, although as mentioned, homosexual desire and identity are also included as variables for study in addition to homosexual behaviour.

#### EMPLOYMENT AND TRAINING - 1997/2001 CORPORATE PLAN BROCHURE

##### *Cost*

1189. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Employment and Training:

- (1) Who printed the brochure "1997/2001 Corporate Plan"?
- (2) What was the total cost of the brochure?
- (3) What was the cost of the distribution of the brochure?
- (4) To whom was the brochure distributed?

Hon N.F. MOORE replied:

- (1) Frank Daniels Pty Ltd
- (2) \$2 265
- (3) \$135
- (4) Office of the Minister for Employment and Training  
State Members of Parliament  
Major industry associations  
Self managing enterprises employing apprentices  
Chief Executive Officers - Vocational Education and Training Departments - other States  
Chief Executive Officers - Western Australian government departments  
Managing Directors of TAFE colleges  
Industry Training Councils  
State Training Board  
Training Accreditation Council

#### PORT KENNEDY RESORTS - COMPLIANCE AND PROJECT REPORTS

1193. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) Have the developers of Port Kennedy Resorts complied with all the environmental conditions and reporting requirements pertaining to the development of the Port Kennedy site?

- (2) If so, when did the developers last provide the Planning Department with a report of compliance with environmental conditions?
- (3) Can the Minister for Planning table a copy of that report?
- (4) If not, which conditions and reporting requirements have not been met?

Hon PETER FOSS replied:

- (1) Yes. Compliance was established through audit by the Department of Environmental Protection - see attached "Department of Environmental Protection, Environmental Audit Branch, Audit Report No 6/97". With respect to condition 15, the developer has submitted a management plan for the scientific park and the plan has been endorsed by the Department of Conservation and Land Management (CALM). The park is now an "A" Class reserve and will be managed by CALM. [See paper No 1126.]
- (2) The Ministry for Planning was last advised of compliance in August 1997.
- (3) See (1) above.
- (4) Not applicable.

#### GOVERNMENT CONTRACTS - STANTON PARTNERS

1203. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) How many Government contracts have been awarded to Stanton Partners since 1993?
- (2) What is the total value of these contracts?
- (3) Is the Minister for Employment and Training aware of any complaints lodged in relation to conflicts of interest or the quality of service provided by Stanton Partners?

Hon N.F. MOORE replied:

- (1) 74 (in the Vocational Education and Training sector since 1993).
- (2) \$995 481.90.
- (3) No.

#### WORKSAFE WESTERN AUSTRALIA - PROSECUTION POLICY

##### *Legal Advice*

1206. Hon KIM CHANCE to the Attorney General representing the Minister for Labour Relations:

- (1) In the case of the Esperance farmer who has been prosecuted as a result of a farm accident causing a fatality, did WorkSafe seek legal advice on the public interest aspect of whether a prosecution should be launched?
- (2) If so, did the legal advice indicate that WorkSafe had a choice as to whether to prosecute or not to prosecute?

Hon PETER FOSS replied:

- (1) WorkSafe Western Australia did not seek legal advice on the public interest aspect. However, Crown Solicitors' Office addressed the question of public interest in its advice to the department.
- (2) The legal advice received was that a prima facie case existed, and there was a reasonable prospect of conviction. When combined with the prosecution policy, the only real option was to initiate a prosecution.

#### ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

##### *Incinerator Site - Grease Trial*

1208. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 928, part (2) of October 14, 1997 -

- (1) What is the source of the grease (please specify names of companies supplying it) used in the trial to evaluate whether greases could be used as an alternative fuel in the Stephenson and Ward incinerator?



- (2) On what dates did the trial commence and conclude?
- (3) What was the outcome of the trial?
- (4) What tests were conducted in the trial?
- (5) Who conducted the tests?
- (6) What were the results of the tests?
- (7) Since the trial, has any grease been burnt at the Stephenson and Ward incinerator?

Hon MAX EVANS replied:

- (1) I am advised that the Muir Oil Co. Pty Ltd supplied the grease for the incineration trial. The grease is manufactured by the Shell Company of Australia and is normally used as a sealant by Westralian Sands. The sample used in the trial was taken from an unused drum of grease.
- (2) The grease incineration evaluation trial was commenced and concluded on 13 December 1996.
- (3) I am advised that the testing results indicated that emissions from the incinerator did not alter from normal during the grease incineration period.
- (4) Testing for chlorine and chlorine compounds was undertaken during the trial.
- (5) The tests were conducted by the Principal Scientist of UniLabs Environmental.
- (6) See answer to (3).
- (7) I am advised that no grease has been burnt at the Stephenson and Ward incinerator since the trial.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

*Incinerator Site - Control System Modification*

1209. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 929, part (3) of October 14, 1997, what specifically is the nature of the modification undertaken in February 1997 to the Stephenson and Ward incinerator to reduce the incidence of shutdown due to power fluctuations?

Hon MAX EVANS replied:

The incinerator's control system was modified in February 1997 by the addition of an Uninterruptable Power Supply (UPS) unit. The unit has a self-contained power supply which, in the event of short power disruptions or fluctuations in power supply, prevents the main incinerator electrical supply circuit breakers from tripping. The UPS can prevent tripping of the circuit breakers for up to several seconds and, therefore, complete shutdown of the incinerator due to fluctuations in grid power supply are less likely to occur.

WATER RESOURCES - NORTHERN RIVERS REPORT

1211. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) When will the 'State of the Northern Rivers' report be released?
- (2) Why has the report not yet been released?

Hon MAX EVANS replied:

- (1) January 1998.
- (2) Because of technical and factual errors discovered in the report.

SPORT AND RECREATION - 1997 QUIT SPORTSWOMAN OF THE YEAR AWARDS DINNER

*Nomination Criteria*

1213. Hon KEN TRAVERS to the Minister for Sport and Recreation:

- (1) What are the criteria for nominations of students under the Parliamentary Sponsorship scheme to attend the 1997 Quit Sportswoman of the Year Awards Dinner?

- (2) Did all students nominated meet the criteria?
- (3) If no, who nominated the students; why were the nominations accepted; and was the nominator advised of the nomination criteria?

Hon N.F. MOORE replied:

- (1) The Women's Sport Foundation of WA organises the Quit Sportswoman of the Year Awards. The Foundation is an autonomous body incorporated under the Associations Incorporation Act. Student attendance at the Awards Dinner is achieved in part through the Parliamentary Sponsorship Scheme. The Foundation has established the following criteria for attendance at the Awards Dinner:

age 15-17 years  
leadership potential  
participation in school or community activities.

- (2) All 52 students were nominated by schools on the basis of the selection criteria circulated by the Women's Sport Foundation. Normally up to two girls are accepted from each school. However, because Parliamentary Sponsorship is voluntary every effort is made to accommodate parliamentarians wishing to support girls attending a school in their electorate without unduly compromising the selection criteria. At the request of their school two outstanding 14 year old girls were accepted due to concerns regarding other candidates. In some circumstances schools only catering for up to year 10 girls, can experience difficulties in finding appropriate nominations.
- (3) See answers (1) and (2) above.

#### ENVIRONMENT - WETLANDS

##### *Definition*

1214. Hon KEN TRAVERS to the Minister for Finance representing the Minister for the Environment:

What is the Environmental Protection Authority's definition of a wetland?

Hon MAX EVANS replied:

I will answer this question in a number of parts as various definitions of 'wetland' have been used depending upon the context and management purposes for which they were developed and applied:

- (a) The Ramsar Convention on Wetlands of International Importance, to which Australia and 99 other nations are signatories, defines wetlands as:
- 'areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres'. This is the internationally accepted definition of a wetland;
- (b) Although Western Australia's rivers, estuaries and shallow marine areas are within the scope of the Ramsar definition and therefore the Statement of Policy outlined in the Government's 'Wetlands Conservation Policy for Western Australia', their specific conservation needs are to be addressed primarily through other government programs (rather than the Strategy for Implementation identified in the Policy), due to the special attributes, values and management requirements of these systems. Although the Government's Statement of Policy applies to all wetland types, the Strategy for Implementation of the Policy applies principally to those types of environments that have more traditionally been regarded as wetlands. These include lakes, swamps, marshes, springs, damplands, and sumplands.
- (c) Consistent with (b) above, the revised draft South West Agriculture Zone Wetlands EPP prepared by the EPA does not consider riverine, estuarine and shallow marine areas. In this policy wetland is taken to mean:
- 'land in the policy area that is subject to permanent or seasonal inundation or waterlogging, whether by water that is fresh, brackish or saline, or flowing or static, but does not include estuaries, rivers or their tributaries'.

In summary, I will quote Cowardin et al. (1979) who noted:

‘there is no single, correct, indisputable, ecologically sound definition for wetlands, primarily because of the diversity of wetlands and because the demarcation between wet and dry environments lies along a continuum. Because reasons or needs for defining wetlands also vary, a great proliferation of definitions has arisen.’

(Cowardin, L. M., Carter, V., Golet, F. C. and E. T. LaRoe (1979). Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C.)

#### ENVIRONMENT - WETLANDS

##### *Definition*

1215. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

What is the Water and Rivers Commission's definition of a wetland?

Hon MAX EVANS replied:

The Water and Rivers commission has played a significant role in the development of the recently released “Wetlands Conservation Policy for Western Australia” and endorses the definition of a wetland used in this document. This policy makes reference to the definition of a wetland used by the “Ramsar” Convention on Wetlands of International Importance which defines a wetland as including:

“areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.

The Statement of Policy from the Wetlands Conservation Policy applies to the full range of wetland types used in this definition whilst the Strategy for Implementation from the policy applies principally to areas which have been traditionally considered as wetlands. These areas include lakes, swamps, marshes, springs, damplands, impoundments, intertidal flats and mangroves.

#### ENVIRONMENT - WETLANDS

##### *Definition*

1216. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

What is the Water Corporation's definition of a wetland?

Hon MAX EVANS replied:

The Water Corporation's definition is consistent with the Department of Environmental Protection's recently released wetlands policy:

“areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.

#### SEWERAGE - PUMPING STATIONS

##### *Monitoring*

1218. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many sewage pumping stations are physically monitored?
- (2) How regularly is each station monitored?
- (3) Who monitors the stations?
- (4) Have any contracts been let for monitoring of the pump stations?
- (5) Who holds the contracts?
- (6) What were the terms of the tender?
- (7) Do the contracts conform with the terms of the tender?

Hon MAX EVANS replied:

- (1) The Water Corporation has 492 sewage pumping stations in the Perth metropolitan area and all are physically monitored through regular site inspections. Included in this total figure are 32 riverside sewage pumping stations. In addition, all the sewage pump stations are electronically monitored from a central location for possible pump failures, power failures and high water levels.
- (2)-(3) Water Corporation Alliance contractors for operations and maintenance, Serco (north of the river) and Western Water (south of the river), check all metropolitan area sewage pumping stations approximately once every three weeks. In addition, the riverside pumping stations are checked three times a day, seven days a week, by Chubb Protective Services.
- (4) Yes.
- (5) Chubb Protective Services.
- (6) The Water Corporation's Alliance contractors were asked to provide a monitoring service at selected sewage pump station sites. They have achieved this by contracting the services to Chubb Protective Services. The contract is for a maximum of 12 months, effective from 28 July 1997. The number of pump stations to be patrolled will reduce as Supervisory Control And Data Acquisition (SCADA) and system storage upgrades are completed. Therefore, the contract may be for less than the 12 months stated or the patrols varied accordingly. The contract requires that the pump station inspections include:
  - Checking of alarm systems for fault indication;
  - Inspection of pump stations' well levels and to identify any scum build-up;
  - Checking to ensure proper pump operation;
  - Checking of general condition of pump station (ie. power availability, graffiti, vandalism).
- (7) Yes.

### QUESTIONS WITHOUT NOTICE

#### ALINTAGAS - EMPLOYEES

##### *North West Gas Pipeline Sale - Entitlements*

**1151. Hon HELEN HODGSON to the Leader of the House representing the Minister for Resources Development:**

Will the Minister confirm that the purchaser of the Dampier to Bunbury natural gas pipeline will be required to reimburse former AlintaGas employees who transfer their employment to the purchaser, for any discount applied by the Government Employees Superannuation Board when their preserved benefits are rolled over to a private sector superannuation fund?

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

I thank the member for some notice of this question. I am advised by AlintaGas as follows.

The purchaser of the Dampier to Bunbury natural gas pipeline will not be required to reimburse former AlintaGas employees who transfer their employment to the purchaser for any discount applied by the Government Employees Superannuation Board. The purchaser will be required to make an actuarially determined superannuation adjustment to employees who are members of the GESB gold state scheme, who would otherwise be disadvantaged in terms of their future superannuation entitlement.

### SCHOOL EDUCATION BILL - SUBMISSIONS

#### *Number*

**1152. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:**

- (1) How many public submissions did the Minister receive on the School Education Bill?
- (2) How many of these submissions were in respect of the review procedures for decisions made under the proposed Act?
- (3) Does the Minister intend to introduce a procedure to allow for independent review of decisions made under the proposed Act?

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

I thank the member for some notice of this question. Due to time constraints, I ask the member to place this question on notice.

## MINING - LEASES

*Applications Subject to Right to Negotiate***1153. Hon TOM STEPHENS to the Minister for Mines:**

Yesterday in answer to a question without notice, the Minister said that 1 520 applications for mining leases are subject to the right to negotiate. The Premier said in his state of the nation native title statement that 1 900 mining titles are caught up in the right to negotiate process. Which figure is correct?

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

I can only assume that the information provided to me yesterday by the Department of Minerals and Energy is correct. However, I will check the alleged discrepancy, and advise the member accordingly.

## LOCAL GOVERNMENT - SHIRE OF GINGIN

*Lennards Road Easement***1154. Hon SIMON O'BRIEN to the Minister representing the Minister for Local Government:**

The Shire of Gingin has resolved to declare an easement off Lennards Road as a public road, under section 3.49 of the Local Government Act, on the basis that the easement constitutes a private thoroughfare. The property adjoining the public road is encumbered by the grant of a right of carriageway to the seven properties to its east, and each of those properties has an encumbrance by way of a right of carriageway to the respective property to its east. Did the Minister, when introducing the 1995 Local Government Act, intend that section 3.49 would allow such a private thoroughfare to be created, notwithstanding that the easement is protected by specific encumbrances?

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

I thank the member for some notice of this question. The Local Government Act 1995 was drafted to give local governments autonomy to make such decisions at the local level. It was intended that the Act would enable local governments to deal with all types of thoroughfares. The particular instance highlighted by the member is a complex one, which has had the benefit of advice from senior legal counsel over several years.

The decision of the Minister for Local Government was based on advice from the Crown Solicitor.

## PLANNING - GNANGARA WATER MOUND

*Boundary Changes***1155. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:**

- (1) What decisions have been made by the Western Australian Planning Commission on boundary changes to the Gnangara water mound, and will the Minister table maps of the current and proposed boundaries?
- (2) Have any opinions been expressed to the Planning Commission by key stakeholders and agencies regarding the proposed changes?
- (3) Will the Minister table copies of the comments from the key stakeholders and agencies, and the Planning Commission's response to those comments and opinions?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. However, as the information cannot be provided within the time allocated, the Minister for Planning will respond to the member in writing.

## GOVERNMENT ADVERTISING - COMMUNITY NEWSPAPERS

*November 1996 - Timing of Wrap Arouds***1156. Hon KEN TRAVERS to the Minister representing the Minister for the Environment:**

I refer to the advertising wraparound concerning the Gnangara Regional Park, that appeared in *Community* newspapers during November 1996 and ask -

- (1) Can the Minister confirm that the Department of Conservation and Land Management first made inquiries or decisions on these wraparounds on 1 November 1996?
- (2) Can the Minister confirm that the art work was delivered to the Community Newspaper Group one week later on 8 November 1996?
- (3) Is it normal for \$80 000 worth of advertising to be conceived, planned, developed and proceeded with all within one week?
- (4) Can the Minister assure the House that the impending state election had no bearing on the decision made about these advertisements?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) According to the Department of Conservation and Land Management this project was conceived, planned, developed and proceeded with in a normal manner.
- (4) Yes. Decisions on this matter were made by CALM.

PRISONS - CASUARINA

*Listening Devices in Interview Rooms*

**1157. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Are listening devices installed in interview rooms used by lawyers and their clients at Casuarina Prison?
- (2) If so, for what purpose?
- (3) If so, what procedures are in place to prevent breaches of legal professional privilege?

**Hon PETER FOSS replied:**

I ask that the question be placed on notice.

PRISONS - BANDYUP

*Conditions*

**1158. Hon GIZ WATSON to the Minister for Justice:**

- (1) When Bandyup Women's Prison was originally designed, for how many prisoners did the plans cater?
- (2) How many cells in Bandyup are available for housing female prisoners?
- (3) What is the floor space size of each cell?
- (4) What permanent fixtures are included in each cell?
- (5) Between what hours of the day or night are prisoners locked in their cells?
- (6) What education do inmates receive?
- (7) What proportion of the women prisoners receive education?
- (8) What proportion of the women prisoners are trained in rehabilitation programs during their stay in prison?
- (9) Has funding for training programs been cut back?
- (10) Does the Minister propose a minimum security prison for women convicted of less serious offences in the future? If yes, when and where?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The prison was planned to cater for 64 people.
- (2) Eighty-five cells are available for housing female prisoners.

- (3) The floor space of each cell is 5.77 square metres.
- (4) The permanent fixtures include bed, hand basin, toilet, writing desk, clothes cupboard, window and a light.
- (5) Prisoners are locked in their cells between 7.30 pm and 7.30 am.
- (6) Education offered to the inmates includes a certificate of general education for adults and programs in literacy, numeracy, English as a second language, and computer awareness under the adult basic education program through the Education Centre. It also offers the technical and further education programs in certificates I and II in office studies, new opportunities for women, and certificate III in human services. Vocational education programs cover senior first aid, forklift operation, and art 2D and 3D. External study courses include assorted TAFE courses in communication, mathematics, accounting and human development, the Aboriginal university orientation course, and years 11 and 12 offered through the School of Isolated and Distance Education.
- (7) Fifty-four per cent of women prisoners receive education.
- (8) Prisoners go through an assessment process to determine the individual needs and are streamlined into appropriate programs; that is, educational, developmental, vocational, therapeutic or offender behaviour programs.
- (9) Yes.
- (10) This is currently the subject of Cabinet consideration.

MINING - JANGARDUP SOUTH

*Soil Sampling - Acid Sulphate*

**1159. Hon CHRISTINE SHARP to the Minister for Mines:**

I refer to the Jangardup South mineral sands mine operated by Cable Sands (WA) Pty Ltd.

- (1) Has soil sampling been carried at or near the proposed Jangardup South mineral sands mine?
- (2) If so, has sampling uncovered any acid sulphate soils? If so, at what depth was it found?
- (3) Is the Minister aware of the effects of acid sulphates on aquatic environments?
- (4) At what stage is the Environmental Protection Authority assessment of this project?

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

I thank the member for some notice of this question.

- (1) I am advised that the department is unaware of any soil sampling program.
- (2) Not applicable.
- (3) Yes.
- (4) This question should be directed to the Minister for the Environment.

HEALTH - MENTAL HEALTH REVIEW BOARD

*President - Appointment*

**1160. Hon KIM CHANCE to the Minister representing the Minister for Health:**

I refer to the fact that former State Ombudsman, Robert Eadie, was the preferred candidate recommended by an expert selection committee to the State Government for the position of the President of the Mental Health Review Board.

- (1) Whose decision was it not to appoint Mr Eadie, and why was the decision made?
- (2) Did the selection committee recommend that the position be readvertised in the event that Mr Eadie was not appointed?
- (3) If so, can the Minister explain why this recommendation was ignored?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Given that the unsuccessful candidates are yet to be officially notified, it is inappropriate to answer the questions. With regard to the appointment of the President of the Mental Health Review Board, that officer is appointed by the Governor on the recommendation of the Minister for Health.
- (2) The selection panel recommended one applicant and further recommended that if that applicant was not appointed, the position should be readvertised.
- (3) This recommendation has not been ignored.

FORESTS AND FORESTRY - DIEBACK

*Hilliger Forest Block*

**1161. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) Will the Minister table all dieback mapping for Hilliger forest block?
- (2) Will the Minister explain or table a description of all measures that will be taken to prevent the introduction or spread of dieback as a result of the roading and logging of Hilliger forest block?
- (3) Going on past experience, how much of the Hilliger block not currently infected will become so as a result of logging?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) In the time available, it is not possible to obtain from the field a faxed map of sufficient quality to table today. I will provide the member with a map as soon as it is available.
- (2) As dieback is already in Hilliger block, the question of the introduction of the disease is not applicable. As advised in my answer to the member yesterday, contractors will follow the existing guidelines of the Department of Conservation and Land Management which ensure that the risk of spreading existing infestations into areas of healthy forest is minimised. These forest hygiene practices include that the area to be roaded and harvested is interpreted for dieback prior to any operations being carried out. Trees are blazed and painted in the bush to indicate the boundary of dieback infested areas.

Based on the dieback interpretation, a road network is planned. Where possible, road alignments are confined to a single hygiene category. If a road is required to go through a dieback free area, the alignment is positioned low in the profile so as to minimise the area put at risk. The planned road network is subjected to a hygiene valuation to ensure that the proposed roading minimises the risk of further spread of dieback. During the road construction phase no soil is moved from dieback infested areas to dieback free areas. Machinery used during the construction is cleaned down before entering dieback free areas. Any gravel to be used on dieback free roads must be free of dieback. The dieback free areas will only be harvested in weather conditions when soil will not be moved. Similarly, access to the area by personnel is also restricted to no soil movement conditions. Access is segregated between hygiene categories, while barriers are located on bush landings to restrict movement of equipment between the road and the bush. Only people appropriately trained are permitted to work in the bush.

- (3) In planning to date, all proposed roads are located within existing dieback areas, so no forest will be put at risk through road construction. The guidelines contained in the second part of the answer are the result of accumulated knowledge and have been adopted to minimise the risk of further dieback infestation.

HOMESWEST - RENT INCREASES

*Agreement with Tenants*

**1162. Hon J.A. COWDELL to the Minister representing the Minister for Housing:**

- (1) What agreement does Homeswest have with its tenants about rent increases?
- (2) How does Homeswest calculate these increases?



- (3) Can the Minister explain why some Homeswest tenants at 63 Rockford Street, Mandurah have had their rents increased?

**Hon MAX EVANS replied:**

- (1) The Homeswest tenancy agreement provides for periodic rent and subsidy reviews.
- (2) Rents from non-subsidised tenants are determined according to rents for similar properties in the private rental market. For tenants who receive a rental subsidy, rents are calculated as a percentage of gross assessable household income. The base percentage of income can vary according to policy changes, the date of the occupation of a property and the type of property. First, tenants who occupied properties prior to August 1992 are assessed at 21.2 per cent of their income. This rate is being increased to 22.5 per cent over several years for pensioners and over two years for other households.
- Secondly, tenants who occupied properties between August 1992 and July 1997 are assessed at 22.5 per cent of their income. Thirdly, tenants who occupied properties from July 1997 are assessed at 25 per cent of their income.
- (3) Reviews of tenants who receive a rent subsidy are conducted on the anniversary date of the month in which the tenant first occupied the property.

MAIN ROADS WESTERN AUSTRALIA - ROAD CONSTRUCTION AND MAINTENANCE

*Job Losses*

**1163. Hon BOB THOMAS to the Minister for Transport:**

- (1) Does Main Roads Western Australia intend to give members of its road construction workforce notice of privatisation plans for their jobs on their last day of work in December as a send off at their Christmas party?
- (2) Was this the subject of a briefing given to coalition members of Parliament on Tuesday, 25 November 1997 by Acting Commissioner for Main Roads, Ross Drabble?
- (3) How many road construction and maintenance jobs will be lost?

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

- (1)-(2) No.
- (3) The Commissioner for Main Roads -

Hon Tom Stephens: Is that the truth?

Hon E.J. CHARLTON: Absolutely. Is the Leader of the Opposition questioning that?

Hon Tom Stephens: Yes.

Hon N.D. Griffiths: This is question time!

Hon E.J. CHARLTON: The Commissioner for Main Roads has given an undertaking to me and all Main Roads staff that he will have a report containing recommendations for the future of the operation of Main Roads, including staffing of the current work in regional areas of Western Australia, some time in the New Year.

SELECT COMMITTEE ON THE WESTERN AUSTRALIA POLICE SERVICE - RECOMMENDATIONS

*Mr James Heaney and Ms Jeannie Angel - Apology*

**1164. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Is the Attorney General aware that the report of Select Committee on the Western Australia Police Service into the third term of reference was tabled on 19 June 1997?
- (2) In his response to the interim report on 19 September 1996 under the section dealing with other matters, the Attorney General stated -

James Heaney and Jeannie Angel: The committee recommended that in this case, substantial compensation and apology are warranted. The Government's legal advisors are presently re-examining these cases.

Does the Attorney General recall saying that?

- (3) Is the Attorney General now able to say whether Mr Heaney will receive an apology?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

Hon N.D. Griffiths: I did not give any.

Hon PETER FOSS: The member did; I have it here. Notice was given on 24 November; perhaps he does not remember doing that. At that time, I prepared the answer saying that I was still awaiting advice from the Solicitor General. I am pleased to be able to say that I have received the advice from the Solicitor General. I have prepared and signed a Cabinet minute and I hope shortly to be able to give an answer to the question.

#### TRANSPORT - DEPARTMENT

##### *Revenue Increases*

**1165. Hon TOM STEPHENS to the Minister for Transport:**

What revenue increases do the Minister's departments or agencies expect as a result of the increased penalty provisions of the Road Traffic Amendment Bill currently before Parliament?

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

The first increase that comes to mind is the one-third of the revenue from Multanova camera fines going into the road trauma trust fund. That amount will increase markedly, unless road users are like me and have reformed! That amount will increase in future years as new programs are set up.

#### LOCAL GOVERNMENT - SHIRE OF GINGIN

##### *Lennards Road Easement*

**1166. Hon SIMON O'BRIEN to the Minister for Transport:**

As the Minister is aware, the Shire of Gingin has resolved to declare an easement at Lennards Road, Gingin, to be a public road and has sought funding from the Minister of between \$250 000 and \$300 000 for the construction of the road, which is on an alignment previously rejected by at least two Ministers for Land.

- (1) Is funding to be made available and which alignment does the Minister support?
- (2) What action will the Minister take to ensure the Shire of Gingin does not construct a public road on the alignment previously rejected by two former Ministers for Land?

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

- (1) Problems relating to Lennards Road were brought to my attention, as a local member for the area, some years ago. Landholders to the east of the easement approached me to assist in having the only access road to their properties improved. A number of options were examined and it was decided by the Shire of Gingin that improvements to the easement and construction of the road east of the easement would provide the best outcome. Funding was sought from Main Roads and has been allocated. In the circumstances, with no viable alternative, I support the route decided by the shire and also Main Roads' providing funds towards the project.

- (2) Not applicable.

The matter has a long history. The land in question was once one block, through which there was an easement which became part of each subdivision. That was the landholders' only access, even in the days before motorised transport. We now have modern transportation, and the blocks are producing high quality orchard fruit and vegetables and other commodities, and it is obvious that a reasonable road is needed. On a number of occasions I have met with the landowners and discussed the options. Main Roads has been involved in identifying an alternative option around the perimeter of the blocks. However, because of the terrain, flooding and soil erosion the options have been rejected. I support the shire and funds will be provided for the improved road. There will be no impact on the current

landowners close to the existing road. The road will be improved, which is all the landowners have ever requested. The sooner the road is constructed, the better.

ROYAL COMMISSIONS - CITY OF WANNEROO

*Information Subject to Suppression Order - Investigation*

**1167. Hon KEN TRAVERS to the Leader of the House representing the Premier:**

- (1) Have any investigations been conducted into people having access to information before the Royal Commission into the City of Wanneroo which was subject to a suppression order?
- (2) If yes, what is the status of the investigations?

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

I thank the member for some notice of this question.

- (1)-(2) The Premier is aware only of an investigation by the Royal Commission into the City of Wanneroo arising as a result of the inadvertent release by it of transcript of suppressed evidence. This matter was reported in the media at the time. The Premier has advised that he has no knowledge of the outcome of the inquiries.

PORT KENNEDY - SCIENTIFIC PARK

*Management - Funding*

**1168. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:**

In regard to the funds drawn from money paid to the State by the developers of the Port Kennedy project, for the management of the scientific park -

- (1) What is the total amount paid by the developers into the fund?
- (2) What was the total amount of the funds paid from this fund for the vermin proof fence?
- (3) What is the total amount required to be paid by the developers of Port Kennedy for the management of the Port Kennedy Scientific Park?
- (4) What percentage of the total funds expended on the scientific park has been met by government departments or agencies?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. Before turning to each question, it is first necessary to clarify that item 14 of schedule 1 of the Port Kennedy Development Agreement Act 1992 provides that the developers' contributions are paid to the State as consideration for the State's entering into the Port Kennedy agreement, and are not tied to the management of the A class reserve known as the Port Kennedy Scientific Park. The developers' contributions are held by the Western Australian Planning Commission for expenditure on the Port Kennedy project.

- (1) The developers have paid the State a total of \$549 841 in accordance with item 14 of schedule 1 of the Port Kennedy Development Agreement Act 1992.
- (2) \$105 899.
- (3) The answer to this question is covered in my preamble.
- (4) The primary funding of the government commitment to the Port Kennedy development, including the scientific park, is from the developer's contributions.

TRANSPORT - DEPARTMENT

*Budget Shortfall*

**1169. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Has the Minister received any information from his departments or agencies indicating that those departments or agencies will experience budget shortfalls in their operations?
- (2) If so, from what departments or agencies has he received information?
- (3) What action does the Minister propose to take in relation to any shortfalls?

(4) Can the Minister quantify any of those shortfalls?

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

(1)-(4) The Department of Transport is running highly efficiently, as usual, and as expected.

MINING - ALCOA OF AUSTRALIA LTD

*Use of Fire Hydrants to Supply High Pressure Pumps*

**1170. Hon GIZ WATSON to the Minister representing the Minister for Water Resources:**

- (1) Does Alcoa Australia or its contractors have permission to use fire hydrants to supply high pressure pumps - identified as 14, 17, 19, and 24 with a flow rate of 235 litres a minute; and 26 and 27 with a flow rate of 258 litres a minute - at any Alcoa sites?
- (2) If yes, who granted such permission and on what grounds?
- (3) If no, will the Minister ascertain whether these practices are taking place, and take action where necessary?

**Hon MAX EVANS replied:**

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

MAIN ROADS WESTERN AUSTRALIA - ROAD CONSTRUCTION AND MAINTENANCE

*Job Losses*

**1171. Hon NORM KELLY to the Minister for Transport:**

Given that the Acting Commissioner of Main Roads informed staff on 25 November that he would advise them of a clear statement of direction at the end of January, can the Minister guarantee that there will be no job losses at Main Roads prior to February 1998?

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

No, because after the Commissioner of Main Roads makes his report, there could be some changes. If members want to be responsible about this issue, they should realise that this is not about job losses. It is a change from being employed by Main Roads to being employed by someone else.

Several members interjected.

The PRESIDENT: Order! We have a question before the Chair, and the Minister is answering that question.

Hon E.J. CHARLTON: I welcome this question, because it is an important one. It is also important for the current employees of Main Roads, particularly outside staff. I have spoken to many of those employees and discussed the issue with them, as has the Commissioner of Main Roads.

We are considering the options of how better to deliver to the people of Western Australia an improved service. Main Roads, private contractors and local government authorities all have outside staff. Three groups are delivering services in a region. We want to discover whether the service can be delivered in a more efficient way, which will mean that more of the money currently allocated to roads through Main Roads and local government will become available. If we can spend more money on roads rather than administration, obviously more people can be employed. It is not a question of people losing their jobs but of whether they are employed by Main Roads or a private contractor.

The second part of the question is important as well. Any proposed change will be based on a long term contract with the private sector employing those people to ensure continuity, to ensure that the work remains in the regions, and to ensure that the people living in regional Western Australia remain in those areas. If this change occurs, any contractor who wins a contract will be required to operate in, and employ people of, the regions where the work is taking place. People say that I cannot prepare a contract to do that, but it can be done. We are letting the contract and we can draw up its terms. If it happens, it will be done on that basis.

TOURISM - ELLE RACING

*Contract - Payment of Funds*

**1172. Hon KEN TRAVERS to the Minister for Tourism:**

I refer the Minister to his answer to question without notice 781 on 11 September 1997 in which he advised the House that the \$60 000 contra component of the Western Australian Tourism Commission contract with Elle Racing had not been used. He said, "It will not be paid to anyone. It will not be used because there is no yacht." Further, in answer to question without notice 1135 yesterday the Minister advised that \$5 625 was paid for accommodation of the Elle Racing team at the Fremantle Biscuit Factory in October-November 1996. In view of the agreement between Elle Racing and the WATC regarding the provision of \$60 000 contra, including \$2 800 as part payment of the Elle Racing team's stay at the Fremantle Biscuit Factory during October and November, I ask -

- (1) Which answer was correct?
- (2) Will the Minister now reconsider the answer he gave to question without notice 781 regarding the payments to Elle Racing?

Hon Tom Stephens: The answer might be neither!

Hon E.J. Charlton: It's a crummy question.

The PRESIDENT: Order! If members have their own preferred answer, I will not bother to call the Minister.

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

I would have appreciated some notice of the question to give me a chance to read the previous questions and answers and their context. I do not carry around in my mind all the answers I have given. For the member to ask such a question, and to expect an answer right now, is expecting too much.

However, we currently have in Fremantle a number of yachts participating in the Whitbread Round the World Race. It is a terrific atmosphere in Fremantle; I suggest that the member take a look. It is going well for Western Australia and it is worth millions of dollars.

Several members interjected.

The PRESIDENT: Order! If interjections continue, I will stop question time and get on to Orders of the Day.

Hon N.F. MOORE: The event is good for the Western Australian economy. During the recent World Track Cycling Championships, the shadow Minister for sport and recreation decided to make a big deal publicly about the future of the Speed Dome. He tried to embarrass the Government because it had not made a decision to take it over, although it was only one week after being asked to take it over.

If the member is trying to make a big deal about some issue regarding Elle Racing in the middle of the Whitbread race, I suggest he is doing nobody a service. The member seeks a headline at the expense -

Hon Ken Travers: If you gave the right answer, I would have nothing to -

Hon N.F. MOORE: If the member wanted an answer to the question, he would have given me some notice so I could check it out.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I have spent some time today -

The PRESIDENT: Order! Minister, there is no need to continue the answer.

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