



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 31 March 1998

Legislative Council

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

BILLS (3): ASSENT

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

1. Local Government Amendment Bill.
2. Country High School Hostels Authority Amendment Bill.
3. Misuse of Drugs Amendment Bill.

WESTRAIL COACH SERVICE - COLLIE

Petition

Hon J.A. Cowdell presented the following petition bearing the signatures of 903 persons -

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

We the undersigned residents of Western Australia oppose the withdrawal of Westrail's weekend coach services through Collie. For the Collie community, this is a vital public service. For many people, the coach is their only means of transport. We believe this is another example of the unwarranted removal of public services from rural communities.

Your petitioners therefore respectfully request that the Legislative Council will take action to ensure that Westrail's Collie services continue to operate at weekends.

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

[See paper No 1480.]

SKILLSHARE, COOLBELLUP

Petition

Hon Simon O'Brien presented the following petition bearing the signatures of 101 persons -

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

We the undersigned residents of Western Australia oppose the projected closure of SkillShare, Coolbellup in view of its importance to the community, its success in training the unemployed into new skills and its social advantages to the disadvantaged community.

Our petitioners therefore humbly pray and respectfully request that the Legislative Council will help preserve the facilities at Coolbellup.

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

[See paper No 1481.]

ESSENTIAL SERVICES, PINJARRA

Petition

Hon J.A. Cowdell presented the following petition bearing the signatures of 2 persons -

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

The people of Pinjarra condemn moves by the State and Federal Governments to further undermine essential services to Pinjarra by the intended closure of the courthouse, the possible closure of the Post Office and the planned down-grading of the Murray Districts Hospital. We believe that these moves should be reviewed in light of community needs, population growth, the lack of public transport and the potential to

devastate Pinjarra's business community. We bring to the attention of Parliament the stated views of 1395 local electors on this matter.

We therefore respectfully request that the Legislative Council ensure that the State Government maintains the Pinjarra Courthouse and related services and the Murray Districts Hospital.

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

[See paper No 1482.]

STANDING ORDERS COMMITTEE

Report on Proposed Amendments to Standing Orders Incorporating Sessional Orders Adopted 10 April 1997

The President tabled the second report of the Standing Orders Committee, and on motion by Hon J.A. Cowdell it was resolved -

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

[See paper No 1479.]

MINING INDUSTRY FATALITIES

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 31 March 1998 -

Dear Mr President

At today's sitting, it is my intention to move an urgency motion under SO 72 that the House, at its rising, adjourn until 9.00 am on Tuesday, 26 May 1998 in order to urgently consider the failure of the Government to stem the fatalities in the Western Australian mining industry.

Yours sincerely

MARK NEVILL MLC
Member for Mining & Pastoral Region

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

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [3.40 pm]: I move -

That the House at its rising adjourn until 9.00 am on Tuesday, 26 May.

The present Court Government is reaping the harvest of poor safety policies during its period in office. Deaths in the mining industry are increasing at an alarming rate. The record over the past four or five years illustrates that every measure designed to improve safety in the mining industry has been either removed or watered down. One of the most disturbing moves, predicted in 1994, was the removal of constraints on working hours. Extended shifts are now commonplace. What was previously achieved with a granted exemption is now done by right under the new legislation.

What are the results of these changes? The current average working week for underground miners was increased from 37.5 hours a week in 1993 to 56 hours a week. Workers at the Otter mine at Kambalda, operated by Henry Walker Contracting Pty Ltd, work 12 hour shifts, five days on and four days off. That is equivalent to 56 hours a week underground. That is too much. It is too risky and is contributing significantly to the problems we are experiencing in our mining industry, particularly the underground mining industry. Eltins workers at the Long mine at Kambalda also work 12 hour shifts, eight days on and four days off. Again, that is a 56 hour working week. The Revenge mine also has 12 hour shifts with nine days on and five days off, which is a 54 hour week.

Working underground is extremely dangerous and enervating. I worked underground for six years in mines and shafts. It is a hot, dusty, dark environment. People are working on uneven floors with heavy equipment and explosives. There is a lack of lighting and a capacity for rock falls. It is a dangerous cocktail to have people working an average of 54 hours a week underground. Those lessons were learnt long ago, but this Government has reversed many of the protective procedures put in place. We now have open slather in the mining industry, except in respect of air leg miners - we were fortunate enough to have an amendment passed in another place in their case.

The Government has also changed the rules relating to workers' compensation. Its main interest was in reducing the cost for employers because they saw this as a major burden. Workers' compensation payments made employers focus on safety in mines. Workers now have limited capacity to take action and it is difficult for them to get workers' compensation. They are unrepresented in conciliation conferences, unlike the insurance companies, which are represented by very experienced clerks who, in most cases, know as much about workers' compensation claims as lawyers. It is a very uneven contest. Many of the miners who go into these situations are frightened. Their claims are frustrated and they often find that their weekly payments are stopped and no investigative procedure is launched. Often important steps, such as x-raying soft tissue injuries, are not taken because they show deterioration in the spine. Instead, they are given some physiotherapy and analgesics and, because the treatment is not thorough, claims cannot be made. As a result, employers are under less pressure to ensure a safe workplace.

This Government's deliberate policy to exclude unions has been a retrograde step. Unions are an essential element of safety in mines. Prior to the Occupational Safety and Health Act 1984 the unions were the safety watchdogs in the mining industry. This Government's actions have ensured that many minesites are ununionised, particularly those operated by WMC Resources Ltd and it is one of the companies in the most trouble at the moment.

Last Friday I had the privilege of touring Alcoa, which is 40 per cent owned by WMC. It is amazing to see the difference in approach to safety in the two enterprises. WMC's operations are typical of those in the underground mining industry. In contrast, Alcoa regards its work force as its best asset, followed by the resource, and profit comes further down the line. It also has a low staff turnover and a strong focus on quality. It does not have the training problems experienced by some in the underground mining industry. It has a culture that encourages the reporting of dangers, risks and problems. It welcomes its employees reporting those problems. The culture in the underground mining industry is the opposite; workers are discouraged from reporting dangers and risks.

WMC does not value its work force as its prime asset. In the past 12 years it has used mass retrenchments as a management tool to repress its workers. Following the 1986 retrenchment program, the company said it would never undertake such a program again, but it has done so on a regular basis. That sends a clear message to the work force that it is not valued. It will be very difficult for WMC to change that culture. The company has done some first-class work in developing safety procedures with its elimination of fatalities task force, but translating that into action in the workplace is very difficult because of the culture it has developed. In addition, it does not have control of its work force as a result of extensive contracting out.

Unlike Alcoa, WMC has a very high staff turnover. Again unlike Alcoa, it has a poor safety record. The crib rooms provided by Alcoa are excellent, but WMC's lunch rooms are rudimentary to say the least. In many cases contract workers are encouraged not to take lunch breaks. At WMC sites and other mining sites, an underground truck operator will work a 12 hour shift, driving six or seven kilometres down a decline with half a metre tolerance between the rock walls and the truck. That is like driving down a tunnel from Kalgoorlie to Perth. At Alcoa all the earth moving equipment operators are rotated on a shift every four hours for safety reasons. The culture at Alcoa of Australia Ltd is exactly the opposite to that at WMC Resources Ltd. Alcoa has a completely unionised site; it is not afraid of the union on its site; it works with the union and has a good relationship with it. WMC is against unions; it has an anti-union culture; it is afraid of unions; it has no capacity to work with unions. The push over the past five years to get rid of unions from minesites has prevented them from doing their job of making mines safe working environments; it has had the opposite effect and made them more dangerous environments.

The emergence of contractors has also contributed to the problems, particularly in underground mines. The principal employer is responsible for the work force; for example, with WMC and other companies. I mention WMC because it is the biggest mining employer, but notwithstanding that, there are real problems in the organisation. With contractors there is a much higher turnover of staff. There is rotation of staff between minesites where they do not know the intricacies of the particular underground mine in which they are working, which a permanently based work force in a mine would know. Using contractors often involves increased travel, which puts extra stress on people before and after their 12 hour shift. An added problem these days is the much younger and inexperienced work force. There is also intense competition between contractors to get the job. There is no doubt that it puts pressure on their capacity to undertake safety and training in the mining industry.

This sort of cocktail of free market policies has not been put together or executed well. It has contributed to the depressing and deteriorating situation in the underground mining industry of today. The Government is not doing enough to address the situation, which has really been allowed to drift. I see no real remedial action coming from this Government. What we predicted in 1994 about the problems with extended working hours and writing the unions out of the Mines Safety and Inspection Act has proved correct. We are now seeing it in the fatalities statistics from the mining industry. We cannot say that this run of fatalities is one of those random blips in fatalities, as we had in 1989 when five miners were drowned at the Emu mine. That happens from time to time. This run of fatalities is too sustained and is a reflection on the Government's policies. I call on the Minister for Mines to look fundamentally

at what we have done in the mining industry and reconsider some of the Government's policy initiatives. What has come out of them is to no-one's benefit.

HON HELEN HODGSON (North Metropolitan) [3.54 pm]: I am pleased to see that this issue has been raised as an urgency motion. During the past three weeks I have been waiting to hear what the Minister in this place has to say about the report handed down in January of this year. The report on the inquiry into fatalities in the Western Australian mining industry was handed down on 8 January 1998. My understanding is that the report was brought down a day early because on that day there was another fatality.

Hon N.F. Moore: Your understanding is wrong.

Hon HELEN HODGSON: The report is an analysis of some of the issues that have come up in the mining industry. It highlights some major problems. I found very illuminating the list of submissions to the inquiry contained in appendix F.1. It contains some of the specific issues people raised when they attended the inquiry, particularly about the culture of the mining industry, training, reporting of hazards and the role of the Department of Minerals and Energy. Looking at some of the things people brought to the attention of the Government through this inquiry, the report does not go far enough. The recommendations in the report do not give any proposed courses of action. It says that we will get the Mines Occupational Health and Safety Advisory Board to look at this and we will get the Department of Minerals and Energy to see if it can do something else. There are no funding allocations or anything in the report to say where this will go.

I will give some examples of what was raised in the inquiry about experience in training. An occupational safety and health educator said that there was no clear, formal path for miners to ensure that experience is retained. A geotechnical engineer referred to the development of local knowledge and on site knowledge as the best on the job training for the work force. The report indicates that because of the contract system and the short term contracts that mining contractors have with mine operators there is no opportunity to develop career paths or to ensure that people have proper training. The report indicates that hazard reporting is actively discouraged. A contract shift boss said that there was no consultation between contract management and employees at the face, that hazard reporting was actively discouraged and that people were verbally abused when they reported hazards. Another employee said that hazard reporting was not encouraged by management. A contract employee said that reporting hazards was actively discouraged. He was told, "You do things my way, or it's the highway." It is clear that a culture is operating which says that because productivity is the be all and end all, employers do not want employees to rock the boat by reporting hazards.

Only since the most recent fatality on 19 March in Kambalda has the public become aware of the appalling record of WMC Resources Ltd and Eltin Underground Operations Pty Ltd in this field. The fatalities have been reported as they have occurred. However, at no stage does the report of the inquiry highlight the key offenders. We now know that this was the fifth fatality at this company's mines in the past 12 months; that is, one of 13 mining deaths in Western Australia since April 1997. Mining deaths in this State are running at more than one a month. That is comparable with the disgraceful situation we discussed last week of deaths in custody. What are we doing here? We are allowing this situation to continue and are not taking the leadership role that the Government should take in monitoring this situation.

The other problem is that we are focusing on deaths because we can count them and they cannot be covered up. However, the problem is that in the mining industry deaths are the end of the line. We start with incidents which lead to accidents which may ultimately result in people dying. It is not until we have the deaths that we have any action being taken. Anecdotally I have been told of cases where machinery has been repaired and obviously from the nature of the repair the damage has been caused by a rock fall or collision, but no incident reports have been lodged because that is considered to be against the culture of the mining industry. There is no hazard report and nothing officially is done about it. Who knows where those sorts of incidents might lead? They may well ultimately lead to more deaths. Workers are afraid to make complaints through fear of losing their jobs. That is indicated by the nature of some of the comments in this report and the fact that the bulk of them have been made over hotlines or in situations where complaining workers will not be identified.

The other aspect that this report has not addressed is the role of the Department of Minerals and Energy. I would like to know what is the role of the DME. Is it to provide a service to the mining industry or is to ensure that regulations and so forth are followed? Where is the separation between the two? We hear of inspections being very rarely carried out without some notice being given to the mining company, and we are given good reason why that is the case. We are told that if they simply turn up, they might travel miles and find nobody is there to show them what is going on. We also hear anecdotal evidence from people who know when mines inspectors are around because they are shifted from one rock face to another and know that the area where the hazards are will not be shown to the mines inspectors. That just shows an example where work practices that may be very convenient and make the job easier for the mines inspectors probably do not help them to monitor safety. We have also got evidence at page 52

in this report of inspectors being involved as consultants to mining companies. Is that not a conflict of interest? Why is a mines inspector providing consulting services when two days later he may have to turn up and say, "Excuse me, we have had a complaint about safety on your site"? How will the mines inspectors handle that? That is a blatant breach of the conflict of interest rules.

There are other issues in respect of work practices of DME that do not encourage safe working practices. It is my understanding that the number of prosecutions relating to the number of incidents and accidents involving breaches of regulations is quite unacceptable. There is not a problem with any lack of regulations. My copy of the safety regulations runs for 252 pages. The regulations are in place, but obviously they are not working. Why are they not working? Anecdotally we are told it is because there is no real means of enforcement. We have not got the means of ensuring that the shift bosses, the mine operators, and ultimately the mines inspectors are actually out there and enforcing the regulations. It may be that is what it takes. It may need the Government to come down heavily on people who breach the regulations and launch prosecutions to ensure that the culture is changed. Hit them where it hurts, in the hip pocket. If prosecutions are the only way to make sure we can deal with the problems in the mining industry, then that is the way we should go. It is time that the practices and the processes of the mining industry were reviewed and an assurance made that breaches will be followed up properly. Ultimately, hopefully, that will lead to a safer mining industry.

HON KIM CHANCE (Agricultural) [4.04 pm]: The background of this motion has been referred to as the report of the task force. It might be useful to add that the Minister initiated the inquiry by the Mines Occupational Safety and Health Advisory Board. MOSHAB then designated the task force to report in September 1997. The task force found that the incidence of underground fatalities from rock falls was unacceptable and that the underground mining sector had failed to adequately control the risk of exposure to rock falls. I thought it important to make the point that the Minister has had a report since September 1997 which states that the underground facility performance of the mining industry is poor and is acknowledged to be poor. The task force stated that our underground operations management is inadequate to prevent fatalities underground and little is being done to control the situation.

What has happened in the dynamics of the underground mining industry which has led to that situation? The report goes some of the way to answering that question on page 6 where it notes that there have been substantial reductions in serious injuries underground, and that is acknowledged. However, it highlights the fact that there has been a marked increase in underground fatalities over the past three years. One of the figures which is not in the report is the fact that we had 10 fatalities in the past 12 months. The point made in paragraph 5 of page 6 was that the increase coincided with the industry's transition to contract, in which contractors now employ 70 per cent of the underground work force and 45 per cent of the surface work force. It is probably too easy to draw from those figures and that statement in the report the assumption that contractors are entirely to blame.

Hon N.F. Moore: The report did not draw that conclusion.

Hon KIM CHANCE: No, I said it was probably too easy to draw that conclusion, certainly the report did not draw that conclusion.

Hon N.F. Moore: Good.

Hon KIM CHANCE: The prime responsibility always remains with the principal employer, the mining company. It is the mining company which makes the choice of contractor and it is the mining company which remains responsible for the way in which the contractor conducts its operations, both underground and on the surface, while they are on the company's lease. One specific example of this responsibility is found in page 19 of the report where it states that geotechnical advice is not used at all at 33 minesites in Western Australia.

Hon Mark Nevill: We put forward an urgency motion two years ago in respect of support systems.

Hon KIM CHANCE: The report states that geotechnical advice regarding risks from natural or mining induced seismic activities, something that is important to the safe operation of a mine, appears to be ignored or not sought. We must have a look at Western Mining's operations in this context. Western Mining on 29 March this year suspended its blasting operations and if one read the articles which coincided with that suspension, one would take the view that it probably suspended the operations pending the serious consideration of the conduct of its operations since the last fatality; but the last fatality was 10 days earlier. That in fact was the second fatality at the Eltin Western Mining contract at Junction Mine. It was the second fatality in that mine in four months, and the sixth fatality for Eltin in under 12 months, but subsequent to the fatality on March 19, Western Mining suspended its blasting operations. As I said, most of us took the belief that that suspension was due to that blasting accident. In fact the suspension was on 28 March, and there had been two other blasting incidents in Western Mining mines; one day and two days prior to that suspension. The suspension probably had nothing to do with the fatality on 19 March at Western Mining's Mariner underground mine in which a face was charged and fired without anybody checking the

mine to ensure that everyone was out of the area. A miner was working in a rise but was not advised of the intended blast - they forgot to tell him. Luckily, nobody is believed to have been injured. The contractor at that mine is Byrnegut and the Department of Minerals and Energy is investigating the serious incident.

Again, at another Western Mining open cut mine at Leinster, a charge was set and fired in an open pit after the blaster miner was found down the pit. The miner was not advised that the blast was about to occur. I am told that the Department of Minerals and Energy does not propose to conduct an investigation into this serious incident, but will rely on a report being set sent to it by the mining company. It is reasonable to draw the assumption that the suspension of blasting operations by Western Mining was not as a consequence of the blasting fatality of March 19, as appeared to be claimed by Western Mining. In fact blasting was suspended by Western Mining on the Saturday to allow for an examination of the procedures.

That is the procedure which resulted in the last two incidents. However, WMC continued its blasting operation when the procedure was checked. In fact, WMC has the unenviable record of having 59 fatal accidents since its operation began, which is three times higher than the figure for the next poorest performer.

All members of Parliament have responsibilities for mine safety in the general mining safety law and regulation creating function of Parliament, and that responsibility is reflected in the motion before the Chair.

It is true that underground mining is, and probably always will be, a high hazard work environment because of the association of working in unstable ground and a number of controllable factors. Hon Helen Hodgson outlined the safety culture as indicated in submissions made to the task force inquiry. I do not intend to go through those areas, but it is certainly true that a non-safety culture operates, perhaps covertly, within the mining industry. In this culture, people raising safety matters on a minesite can be verbally abused. It is not necessarily company policy, but a pro-production mentality can be found in the mining industry which causes some people with responsibility for the safety of others to work actively against a safety culture. Hon Mark Nevill gave a good example in the differences between Alcoa's and WMC's operations, highlighting an active safety culture at Alcoa's minesite.

Hon N.F. Moore: How many underground mines does Alcoa operate?

Hon Mark Nevill: It does not matter whether it is underground.

Hon KIM CHANCE: Mining is mining. How many underground mines are at Leinster?

Hon N.F. Moore: Read the report - that was where the problem is.

Hon KIM CHANCE: My colleague Hon Julian Grill recently identified three factors relating to the current fatality figures; namely, the exclusion of unions from the industry, the increased involvement of contractors, and extended shifts worked underground. I have time to briefly deal with only one of those points.

Historically, unions have played a pivotal role in the safety culture of both opencast and underground mines. Safety has suffered in the alienation of unions. My colleagues Hon Mark Nevill and Hon Julian Grill gave warnings in the goldfields in this regard a long time ago; sadly, they have yet to be heeded.

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [4.14 pm]: This motion is based on a false premise. I have considered the figures on fatalities in the mining industry. As this Government is being blamed in the motion for a so-called significant increase in fatalities, I have considered the number of people who have died in mines since 1993. The total number is 36, and the figure for the preceding five years was 50 fatalities. The average number during the last five years of the previous Labor Government was 10 fatalities a year; namely, 50 fatalities in total. During the time of the coalition Government the total number of fatalities is 36, at an average of 7.2. At the same time, the number of employees in the mining industry rose from 22 000 in 1988 - the point at which I took the last five years of the Labor Government into account - to 42 000 in 1997. Therefore, a reduction has occurred during the time of this Government in the number of people who have died per annum. I refer to an average, with the figures cited compared to the time when members opposite were in office.

Hon Mark Nevill: Why not read the report?

Hon N.F. MOORE: Hang on. I listened to the member opposite silently.

The mining work force has increased dramatically from 22 000 to 42 000 employees.

Hon Ljiljanna Ravlich: They are part time employees.

Hon N.F. MOORE: Let me get this straight: Hon Mark Nevill exaggerates the situation. He ignores the fact that when his Government was in office, an epidemic of deaths occurred in the mining industry. However, the Liberal

Party did not move urgency motions and other procedures to blame members opposite for that situation. We said that the then Government had to sort out those problems.

Hon Kim Chance: That is what we are doing.

Hon N.F. MOORE: At least Hon Kim Chance had the decency to say that I initiated the report to which Hon Helen Hodgson referred. I directed the Mines Occupational Health and Safety Advisory Board to conduct the inquiry. That tripartite body, which contains representation from unions, employers and the Government, set up its own task force to carry out the inquiry. Unions were involved in that process and signed off on the report. That tripartite body report made a number of recommendations on my initiative. I have already announced publicly the Government's response to that report which is being implemented very rapidly indeed. In fact, it is my absolute requirement that it be implemented this year. For members to say that somehow or other deaths in mines are as a result of the Government's problems is absolute rubbish!

Hon Mark Nevill: Pull out the underground figures!

Hon N.F. MOORE: Hon Mark Nevill should know better because he knows about this industry.

Hon Tom Stephens: No-one knows it better.

Hon N.F. MOORE: Let us consider the record: In 1988, 10 fatalities occurred; in 1989, 18; 1990, five; 1991, 11; 1992, six; 1993, seven; 1994, four; 1995, eight; 1996, seven; and in 1997, there were 10 fatalities. The figures go up and down, and this has nothing to do with unions or contractors because the average figure has reduced while all the "dreadful changes" took place, as members opposite described them.

Members opposite talked about hours worked. The report on which the member placed a great deal of emphasis did not draw any relationship between the hours worked and the number of fatalities in the mining industry.

Hon Mark Nevill: I did not mention the report - you would know that if you had listened.

Hon N.F. MOORE: The other day following the recent fatality, which really upset me, I spoke to WMC Resources and Eltin Ltd very severely, and this was the first time somebody had spoken to them from a government perspective. They now know where I stand. The last fatality occurred in a mine about which the member's colleague Hon Julian Grill had argued about extended hours. That mine operates eight hour shifts. Hon Mark Nevill should get his facts right before making allegations about the causes of these problems.

In individual cases, some inexplicable circumstances arise by which people are killed, and these have nothing to do with culture, hours of work or contracts. The reasons for the accident are known only by the person killed, as people die in circumstances which nobody can understand.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Hon Ljiljanna Ravlich should mind her own business - she does not know what she is talking about!

The PRESIDENT: Order! Hon Ljiljanna Ravlich will get an opportunity to speak if time permits.

Hon N.F. MOORE: The member spoke about the exclusion of unions. During the last five years of the Labor Party's term in office, when 50 people were killed, and far fewer people worked in the industry, the mining industry was union dominated. It is claimed that the Government has excluded unions, which is not the case - employees have simply walked out of unions. In fact, there is hardly a unionist left at Hamersley Iron as people have left of their own volition.

Hon Bob Thomas: They are coming back.

Hon N.F. MOORE: Robe River has the same deal and members should consider that operation's vastly improved safety record.

Hon Mark Nevill: Why not focus on the underground mining industry?

Hon N.F. MOORE: Hon Mark Nevill and Hon Helen Hodgson should acknowledge that the report indicates that apart from fatalities, which are as serious as can be, the overall safety level within the mining industry has improved dramatically.

Hon Mark Nevill: The incidence of major accidents has increased.

Hon N.F. MOORE: The point that the overall safety level within the mining industry has improved dramatically is conveniently ignored by members opposite.

Members then referred to the engagement of contractors. Again, the report does not state that contractors cause deaths; it states that a correlation exists in relation to the timing of contract labour being hired, but it does not draw the conclusion that contractors are responsible for deaths in the industry any more so than any other form of employment. Hon Mark Nevill needs to get his facts right in that regard. He has not bothered to read the report; he has his blinkered vision that if the industry had no contractors, everyone belonged to the union, everyone worked eight hour days, and mines inspectors stood behind every underground miner, no deaths would occur. That is not reality. The record in the mining industry shows that, on average, as a result of the changes which have taken place since we have been in office, the number of fatalities has declined. The safety record of the industry has improved dramatically. The Opposition ignores the facts.

Hon Mark Nevill: Are you proud of the deaths?

Hon N.F. MOORE: I am not proud of one death. When I was a little boy in Bullfinch the man who lived next door to me was killed in a mine. I know the grief and tragedy suffered by not only his family but also the town. I know what it is like. One death is one too many as far as I am concerned. Hon Mark Nevill should not blame me or the Government because people are killed in the mines. If his argument is to be consistent he and his colleagues must take responsibility for the 50 deaths in the last five years his Government was in office. Will he take responsibility? I do not know who the Ministers were during that period.

The PRESIDENT: If the Minister addressed the Chair rather than singling out members it would be helpful to me.

Hon N.F. MOORE: This is a very serious and emotional issue, Mr President.

The PRESIDENT: That is why I asked the Minister to address me.

Hon N.F. MOORE: I am a bit emotional about Hon Mark Nevill's raising the matter in the House today. I know that when he was Minister for Mines Jeff Carr almost tore his hair out in exasperation and frustration over this issue. He was probably the Minister when 18 people died in one year. He did all he could to remedy the situation and so is this Government. To suggest this Government has no concern for the safety of miners is absolute rubbish; in fact it is outrageous. I take serious exception to his suggesting that is the case because it is not true. Hon Mark Nevill is saying that the Government is getting rid of unions and making people work longer without giving them a choice. People are choosing to work longer hours and are choosing not to be members of unions. That is a simple fact of life irrespective of whether Hon Mark Nevill likes it.

We hear his diatribe about WMC Resources Ltd. Every time members on that side of the House get a chance to attack Western Mining they do so. On this occasion I have also attacked that company - because of its safety record, not because of its politics. The Opposition attacks Western Mining for political reasons more than anything else because it has a different culture from that which they support. They should examine the fundamental issues. Hon Mark Nevill referred to Western Mining's crib room. What does that have to do with fatalities underground? It is nonsense and it is totally discredited by the facts.

Hon Helen Hodgson regularly used the word "anecdotal". The report to which I referred is the collective views of a tripartite group. It ignored many of the anecdotal comments because they are not of any substance.

Hon Ljiljanna Ravlich: They are true; I read that report.

Hon N.F. MOORE: I congratulate Hon Ljiljanna Ravlich. Does the report have only three-letter words?

The PRESIDENT: Order! The Minister.

Hon N.F. MOORE: A vast amount of what the member was saying was anecdotal evidence and was dismissed by the tripartite committee. It came to its conclusions and its recommendations are being implemented.

HON GIZ WATSON (North Metropolitan) [4.26 pm]: I add the concern of the Greens (WA) about events within the mining industry. I refer members to page 48 of the Report on the Inquiry into Fatalities in the Western Australian Mining Industry. Chart No 8 clearly demonstrates that the number of deaths is increasing. I am at a loss to understand to what the Minister referred. In 1994 the fatality rate per 1 000 employees was 8.3; in 1995, 0.85; in 1996, 1.02; and in 1997, 1.75.

Hon N.F. Moore: I am talking about when the Opposition was in government.

Several members interjected.

The PRESIDENT: Order! This is a very serious subject. We must hear Hon Giz Watson in silence.

Hon GIZ WATSON: If this report is to be believed, the figures are increasing on a pro rata basis, contrary to what the Minister said. I examined this report very thoroughly and I highlight that the Department of Minerals and Energy

has shown an unwillingness to address the criticisms of the department including intimidation, workers feeling fearful of making reports to the department and allegations of favouritism towards large companies over small operators. We will not get to the bottom of the issue unless those matters are addressed very urgently by the department. I will leave my comments at this point to allow another member to speak.

HON MARK NEVILL (Mining and Pastoral) [4.27 pm]: The Minister's comments show that he has not learnt anything in the time he has spent as the Minister for Mines. All the arguments he dismissed show that he does not understand some of the factors that contribute to the situation. He asked what Alcoa had to do with Western Mining. Obviously they are very different mining operations.

Hon N.F. Moore interjected.

The PRESIDENT: Order, Minister!

Hon MARK NEVILL: I was talking about the way Alcoa values its work force. The culture within its work force and the way Alcoa treats it is very different from the culture Western Mining has developed over many years. As I said, the three lots of retrenchments reinforced the views of the people who work for Western Mining. Quite a few of the directors and a number of other people in Western Mining are personal friends of mine. However, that does not deter me from making some unpalatable comments from time to time about whether the company is right or wrong. It has nothing to do with politics. It has everything to do with fatalities. The main problem in the mining industry in the past three or four years has been the underground mining industry. As the statistics to which Hon Giz Watson referred clearly show, the rate of deaths is increasing. If the Minister thinks he does not have a problem he is not doing his job.

Hon N.F. Moore interjected.

The PRESIDENT: Order! The Minister will cease interjecting.

Hon MARK NEVILL: The biggest change in mine safety was in 1984 as a result of the Occupational Health, Safety and Welfare Act. The serious and minor accident rate has been decreasing for all those years. The fatality rate has decreased and in recent years it has plateaued. In isolation, figures for the underground mining industry probably reflect most accurately that the rate of serious injury causing someone to be off work for 10 days is increasing. The industry has problems and the Minister must put the telescope to his other eye.

None of the factors I mentioned is the cause of the situation. I said that they all contribute to it. Their alleviation would mean that we were working towards a safer environment. The length of time people work, the role of the unions in the mining industry and workers' compensation premiums all have a bearing on the safety of the work environment. Considered in isolation they may not mean much.

The Minister must realise that he cannot wish this problem away; he must address it.

Hon N.F. Moore: I am not wishing it away.

Hon MARK NEVILL: The crib rooms at Alcoa compared with the crib rooms in the mining industry demonstrate the difference in the way the companies value their work force. The Minister should look at them so that he understands what I am talking about. Obviously we are on different wavelengths. The Minister and this Government have a problem, although it is obvious from today's debate that they do not understand that.

Motion lapsed, pursuant to standing orders.

ORDER OR BUSINESS

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.29 pm]: I move that Orders of the Day Nos 1, 7, 8, and 9 be taken, in that order.

Points of Order

Hon TOM STEPHENS: Mr President, at the completion of urgency motions, the next order of business is motions without notice and then motions and orders of the day.

The PRESIDENT: Members, usually at 4.30 pm on a Tuesday, I indicate that an hour having elapsed since the start of business, leave of the House is necessary for a particular debate on a motion that is being discussed to continue. That did not happen today because we finished less than a minute before 4.30 pm. The Minister is entitled to move his orders of the day. If the Leader of the Opposition wants to move something, he is entitled to do that when there is a break in proceedings.

Hon TOM STEPHENS: What then do I make of the order of business shown on the Notice Paper, which shows that at the conclusion of urgency motions, motions without notice are the next item of business?

The PRESIDENT: Is the point the Leader of the Opposition making the fact that this occurred before 4.30 pm?

Hon TOM STEPHENS: Yes.

The PRESIDENT: If that is the case, he is in fact in order. I therefore call for motions without notice.

DAMPIER PORT AUTHORITY AMENDMENT REGULATIONS (No 2) 1997 - DISALLOWANCE

Made Order of the Day

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.31 pm]: I move -

That Order of the Day No 5, Dampier Port Authority Amendment Regulations (No 2) 1997 - Disallowance, be made Order of the Day No 1 for the next day of sitting.

By way of brief explanation, pursuant to Standing Order No 128 -

Point of Order

Hon N.F. MOORE: I understand that at 4.30 pm it is necessary to proceed to orders of the day and as it is now past 4.30 pm I seek your advice, Mr President.

The PRESIDENT: It will be past 5.00 pm too if we keep going the way we are going. I did not realise that the Leader of the Opposition was apparently drawing to my attention the fact that one hour had not elapsed at the conclusion of the last debate and he wanted me to call the balance of those items which are the order of business set out in the Notice Paper. I conceded that in fact there was a minute or so to go, and it was my duty to call motions without notice. I have done that and the Leader of the Opposition has the call. In the meantime, because of our toing-and-froing it has gone 4.30 pm. Notwithstanding that, the Leader of the Opposition has the call.

Debate Resumed

Hon TOM STEPHENS: By way of brief explanation, this particular -

Point of Order

Hon N.F. MOORE: I understand this motion is not debatable.

The PRESIDENT: The Leader of the House is correct. It is not debatable under Standing Order No 128.

Question put and a division taken with the following result -

Ayes (16)

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

Noes (14)

| | | | |
|--------------------|-----------------------|-------------------|-----------------------|
| Hon M.J. Criddle | Hon Ray Halligan | Hon M.D. Nixon | Hon Derrick Tomlinson |
| Hon B.K. Donaldson | Hon Barry House | Hon Simon O'Brien | Hon Muriel Patterson |
| Hon Max Evans | Hon Murray Montgomery | Hon Greg Smith | (<i>Teller</i>) |
| Hon Peter Foss | Hon N.F. Moore | Hon W.N. Stretch | |

Pairs

Hon E.J. Charlton

Hon Tom Helm

Question thus passed.

GROUNDWATER PROTECTION (SOUTH WEST AND SOUTH EAST CORRIDOR) 1997

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Ken Travers was moved pro forma -

That the Metropolitan Region Scheme Amendment No 981/33 - Groundwater Protection (South West and South East Corridors), published in the *Gazette* on 12 September 1997 and tabled in the Legislative Council on 17 September 1997, be and is hereby disallowed.

HON KEN TRAVERS (North Metropolitan) [4.35 pm]: This amendment deserves to be disallowed on two grounds: Firstly, the process that the Government has followed has been totally inadequate and its failure to consult with and inform the people most directly affected by it has been a complete failure. Secondly, the amendment is contrary to the intention that it sets out to achieve in that it will not fully protect the precious water resource and surrounding environmental features in the Jandakot region.

This amendment will place many of us in this Chamber between the proverbial rock and a hard place. If we allow it, we will be endorsing something that is faulty in so many respects and yet, if it is disallowed, there will be nothing in place to protect our underground water supplies, be that for consumptive or environmental uses.

If the process were repeated, would the local residents be treated any better by this Government? I suspect nothing would change, but the residents in the Jandakot region affected by this amendment deserve to have their concern for the process placed on the record before it is endorsed by this Chamber. Equally, the deficiencies in this amendment's ability to protect our water must be highlighted. Hopefully the Government will then take on board these issues and seek to address them in this and future processes, particularly one that is going on currently with respect to the Gnarara water mound.

Much of the process that has been followed so far began with the Select Committee on Metropolitan Development and Groundwater Supplies in the other place. It produced an excellent document with many thoughtful recommendations. I urge members to read it. It is appropriate that, due to this committee being the impetus for the process, the Parliament continue to monitor and keep a close eye on what happens. I will read from that committee's report about the lack of community understanding of our process and I quote from page 115 -

During hearings of the Select Committee the issue of community understanding of groundwater and planning mechanisms was raised and the committee has formed a view that there is a lack of community understanding of the technical, economic and social implications of development on our groundwater catchments.

The committee clearly identified the need to educate the people about the issues and planning processes. This was clearly not done prior to this amendment being brought to this place. In fact, Jandakot does not have the same level of sign coverage identifying the pollution control area that there is in Gnarara.

When I first met some of the affected residents last year, it struck me that there was a great deal of confusion about and many questions were left unanswered within the process. Part of this was because while we had the amendment on the table we did not have some of the important associated information - things such as the statement of planning policy for the Jandakot region and the draft environmental protection policy for the Jandakot region, which has been on the books and in preparation since 1993. Although the metropolitan region scheme amendment sets in place the reservation it is rarely the statement of planning policy that lays out what activities can occur in those reservations. A draft of this was released only one week before the metropolitan region scheme amendment was tabled in this place and it is my understanding that originally the metropolitan region scheme amendment and statement of planning policy were intended to be developed concurrently and a whole of government approach taken, which is certainly what the select committee called for in its recommendations.

Unfortunately, the former Planning Minister chose to separate the processes, so we had a boundary but no definition of what it meant. On this issue I will quote from a report prepared for the City of Armadale and presented to the ordinary council meeting on 20 October 1997. This is what the city's officials put in their report to the council -

The Ministry for Planning should note that while the MRS amendment appears to be imminent and local government will hence be required to prepare and initiate a mirror amendment to local schemes within 3 months, it appears that the distribution of this concomitant Statement of Planning Policy has been late. Hence it is regrettable that the affected local communities have not been given sufficient time to digest the implications so that their local governments can enter a dialogue with their community and respond accordingly to both the demands of the policy, the Town Planning Regulations and the wishes of the affected communities.

If we remember my earlier quote from the report of the Select Committee on Metropolitan Development and Groundwater Supplies we can see that the process has been a great shemuzzle to this stage. Likewise, the proposed environmental protection policy will include some areas that will be removed from the priority areas as a flow on from this amendment, yet they are areas that are included within wetland capture zones as identified by the Dames and Moore study. The question that we all must ask is, in the meantime what happens to these areas? I think the local owners have a right to know what other effects the EPP will have, as they are getting one change forced on them now but another change in a couple of months' time.

One of the main reasons I have moved the disallowance motion is to give the local residents more time to find out exactly what these changes mean to them. I hope that each of them will have their individual concerns addressed by the appropriate authorities. A range of questions need to be answered. What will they be able to do under the non-conforming use rights that will be imposed as part of the statement of planning policy? What will happen to people who had completely unacceptable land uses, such as turf farms, which under the statement of planning policy are completely outlawed? Will their land be bought up? Will they receive proper compensation to allow them to move their families and businesses with dignity? What do non-conforming rights entail if they have previously grown flowers on their property but are not currently doing so? Will they be allowed to grow them again in the future? Under the non-conforming rights use the statement of planning policy certainly prevents them from doing so. Those are the sorts of questions we need to have answered for the people. How many horses could people keep on their property if they have stables for 30 but currently keep only 10? What would happen? Are any of them eligible for injurious affection, and if so, would it be most likely in the form of compensation or would they be made an offer to purchase? I should note that this, according to the logic of our planning Act, would see them treated as willing sellers and I think it is probably fair to say that very few of them would be very willing sellers. All of these are simple questions which one could expect to be answered and dealt with easily. It was not done before the amendment was tabled, as I outlined earlier, because of the lack of a statement of planning policy. I hoped that it would be dealt with over the last couple of months. Unfortunately that still has not occurred.

The residents have been very assiduous in preparing submissions and details for members of Parliament. Most of the concerns I mentioned earlier were outlined in documents provided to me and government members.

Some of the points raised in the first document I received will serve to reinforce the fact that these are not only my questions but also they were asked by the residents three or four months ago and still have not been properly answered. The document states -

Many landowners were unaware of the existence of the Jandakot Underground Water Pollution Control Area included their land.

It continues -

How can we have MRS zoning approval when no list of acceptable land uses has been finalised.

It further states -

Very little information dealing with compensation and injurious effect for landowners.

Their concerns and complaints went on, but they were not addressed. Unfortunately, the residents' rights and the implications of this have still not been properly explained.

The select committee discussed the issue of compensation and, while indicating that it did not support compensation for rezoning, it was stated -

The Select Committee recognises that in some cases land uses which existed at the time of proclamation of groundwater Priority areas, were not consistent with By-Laws that apply to the area; the piggery at Pinjar is a good example.

At a briefing this afternoon I was given a rundown of what the Water and Rivers Commission is doing in this area. I congratulate it for clearing up this blight on the Gnangara mound. The select committee report continues -

While the Select Committee recognises that the owners of businesses in these areas have developed their business in good faith, it is in the best interest of the whole community that some businesses which pose an unacceptable threat to groundwater, should be relocated. The argument is that the user should pay and in this case the community should pay for the protection of the groundwater and the environment. It follows that reasonable compensation should apply to land owners that had an existing operation which does not conform to By-Laws established at a later date.

I suspect for the majority of landowners in the Jandakot region that is the crux of their concern about this whole process.

Recommendation No 26 of the report states -

The Select Committee recommends that the Water Authority develop a strategy to provide for the purchase or relocation of non-conforming land uses in groundwater Priority zones.

Clearly, there are land uses within the Jandakot area that do not conform with the requirement to protect our ground water. However, there has been no development in respect of that last recommendation; that is, no-one has spoken

to the landowners about how that can be addressed and how they can be treated with dignity and fairness and completely compensated for the losses they will suffer. It would help if the people knew the terms under which this will occur.

In reality, most of the landowners are involved in non-conforming uses to a greater or lesser degree. The select committee noted that it was a community responsibility but that there should be no compensation. In a sense, there is a real contradiction between the recommendations and the earlier comments.

The issue of compensation is important. If people lose the right to do something on their land which they previously had a reasonable expectation they could do, are they not entitled to some compensation? It would make an interesting test case if the State Government had the same constitutional requirements as the Federal Government.

Hon Peter Foss: It is in the Act.

Hon KEN TRAVERS: It does not adequately cover the issues. As I mentioned earlier, if time had been taken and resources put into explaining the process to the residents in the area, many of their concerns could have been resolved. That is the point I am trying to make.

A person may spend 10 years slowly building up a business, expanding it and working hard, knowing that one day it will be large enough to provide a reasonable return for his efforts. Suddenly he is told he can no longer expand and he is left with an operation which requires an enormous effort to remain viable. The reason he cannot continue to expand is the greater good of the community, but he is not entitled to some form of compensation. I ask members if they would take that? Would members opposite allow that if their farms were being affected? I suspect we would all be up in arms.

People argue that it is the original owner's responsibility to stop pollution in the SPP and MRS areas. One suggestion is that the Environmental Protection Act will be used against them. There are many examples in Australia at the moment. I refer to the precedent set by the National Heritage Fund where we have seen the funds from the sale of Telstra being used to fix up past problems created by farmers, allowing them to continue to use their land. I suspect that has set a precedent for both community and individual responsibility. At this stage we are asking the local residents to shoulder the whole responsibility.

The select committee also talked about purchasing developing rights to land as one of the options. Recommendation 28 reads -

The Select Committee recommends that the State Planning Commission and the Water Authority should examine funding options for the purchase of land for groundwater catchment protection and include consideration of the purchase rights to utilise land for existing enterprises which are seen as non-conforming uses.

I have seen no indication that this idea has been picked up by the Government. Many issues have not been properly addressed in this process. Much of it comes down to not correctly explaining issues in the first place. One of the fundamental issues was the decision to split the MRS and SPP amendments, which has left many people confused and disillusioned with the process.

I now turn to some of the problems of pollution and the dangers and threats to water quality on the mound. I will briefly address the urbanisation on the western side which is located at one of the most crucial points on the mound because it is immediately over the bore sites. Anyone who has read any information on this area would know that, although the catchment zone, which is the total area being protected, is important, the most important sites are those areas immediately above the bores in the draw down zones. One can understand the cynicism among the locals whom I have had the opportunity to meet during recent months when they have seen that a significant proportion of this land is government owned. I accept that it has been zoned urban but nevertheless it is government owned. People see the Government as having the opportunity to urbanise its land but they are not allowed to do the same with their land.

Hon Simon O'Brien: Are you talking about land within the new area?

Hon KEN TRAVERS: The land has been taken out and made priority 3, but it is still in the area of the catchment zone as determined by the Dames and Moore scientific study, which was set up by the Government to determine where the boundaries should be. I accept that the question is difficult and compensation would be extreme where the land is privately owned. However, where the land is owned by government agencies and private residents see those agencies profitably selling that land as urban, one can understand their cynicism about the whole process. One can stand and look across Beenyup Road and see the border line between residents' land and government land drawn outside the houses.

Hon Peter Foss: Are you suggesting some form of dishonesty?

Hon KEN TRAVERS: No. I am saying that one can understand why people would be cynical when they see that a government area which is important to the mound is allowed to become urbanised, yet areas which are right next door are not.

Hon Peter Foss: You seem to be implying it if you are not saying it.

Hon KEN TRAVERS: I am not implying it.

The PRESIDENT: Order! If the member would imply what he likes through the Chair, there will not be any need for interjections.

Hon KEN TRAVERS: Much of the MRS and SPP is about reducing non-point sources of pollution. The next issue I will deal with is point sources of pollution, which is a major problem on the mound. We should note that the cost of cleaning up pollution in underground areas is high. Indeed, it may be impossible to do so. The treatment of water can double its cost. The expected price of water from the Harvey dam is about 60¢ a kilolitre. The cost of treated water is similar. The price of 60¢ a kilolitre is high compared with the cost of water from an area like Jandakot.

Members should note as we go through this that it is a good case study of the frustrations local residents face when dealing with government agencies concerned with the mound. Last year local residents identified a number of potential points of pollution. One in particular was an old liquid waste dump and what appeared to be illegal dumping of other materials on a site once proposed for the next police academy. It is worth noting that the Dames and Moore study, although determining the catchment zones, did not address the issue of water quality. The area is in the close vicinity of the J80 bore, which has been closed. Nobody notified the residents of the area of that. Residents made some inquiries and, at their own expense, got some soil samples from the area. They showed a selection of heavy metals and hydrocarbons. The samples of the hydrocarbons which were on the site once proposed for the police academy indicated that they had been dumped there within the past six months. Residents raised their concerns with the appropriate agencies. An urgent meeting was held to plan what action should be taken and how to respond. People were advised that the surrounding private bores would be tested within four days; that the results would be back within a week; and that if any problems were identified the Government would conduct full testing, including soil samples and extra test bores. Every one of those steps has taken a lot longer than that. In many cases it has only come about because of the persistence and dedication of the local residents who want to find out what has been happening.

Eventually the residents were told over the phone that they had nothing to worry about and that the results would be coming. They waited for the results and finally received them. They were told the results indicated nothing was wrong. By that stage they were fairly cynical about the process. They did not take that on face value and made their own inquiries. They obtained some of those results and had them checked by different people. To go through the results is quite alarming. I do not seek to do so in detail because it is pretty confusing to talk about C15s to C28s, which are hydrocarbons. Hydrocarbon levels were found to be above acceptable limits and in a range of different forms. Some chloroforms were found to be above acceptable levels, which in most cases are zero.

One of the more serious concerns was the identification in some of the samples of benzo(a)pyrene and if it has followed the situation in the Spearwood area, they would understand how dangerous benzo(a)pyrene is.

[Questions without notice taken.]

Hon KEN TRAVERS: Before question time I highlighted the fact that benzo(a)pyrene, a dangerous carcinogenic substance, along with a number of other contaminants including hydrocarbons and chloroform, has been found in bores in the Jandakot area. That gives rise to concern, as this area is adjacent to the Water Corporation's bores.

Benzo(a)pyrene was detected on one property. It is the responsibility of the property owner to notify the tenant about the contamination in the bore and that water from the bore should not be used on the garden. The Water and Rivers Commission provided verbal advice but nobody told the owner of the property. The test results highlighted a number of other problems. For example, some results were not included in the report as the commission was retesting those bores and the residents had been told they had nothing to worry about.

I congratulate the residents on their fortitude in pushing on and checking out these matters. The residents began this process in November 1997. It has taken four months for the relevant government agencies to move into the final stages of the plan. They have now taken some soil samples. I hope the Minister will comment on this delay. I have heard a rumour that the authority has sunk 12 new test bores in the vicinity of the two contaminated sites that were originally identified by the residents and that hydrocarbons have been found in one of them. I hope the Minister can inform the House whether that is the truth.

The report of the Select Committee on Metropolitan Development and Groundwater Supplies refers to hydrocarbons as one of the most difficult contaminants to clean up. The select committee report includes diagrams on how these hydrocarbons form plumes within our water table.

The residents are still waiting for the corporation's final response. They suspect that the agencies involved have now discovered what the residents have been telling them for about four months - that is, pollution is a problem in a section of the mound. A number of other polluted sites have been brought to the attention of the authority by the local residents. To the best of my knowledge nothing has been done about those sites. For example, when cement sludge was identified the relevant authorities concluded that it was highly likely to contain arsenic. However, nothing has been done to confirm that. Problems exist with soil blending operations to the north of the mound. A company was ordered to clean up its sites last year. Great concern exists among people in the area because that has not occurred. Some old tip sites are prone to flooding and the water table is visible as a surface expression in winter. The member for Southern River has raised that with the relevant authorities.

I visited part of the Jandakot botanic park; basically, it is a dumping ground for stolen cars and asbestos. The asbestos material is being cleaned up, but it is lying around on the mound. I agree wholeheartedly with a recommendation in the 1994 select committee report that the Government must allocate far greater resources to identify pollution sources and to patrol water mounds. A recent Water Corporation document referred to an increase in the number of patrol officers for the hills catchment areas. I support and congratulate the corporation on that. However, we must allocate a lot more resources to patrol and maintain the integrity of the Jandakot and Gnangara mounds. We need to ensure that the money allocated for the management plan of the Jandakot botanic park is used effectively and some effort is being made to protect those mounds. If only one issue is taken up out of this debate I hope it is that the Government takes on board the urgent need to allocate resources to identify pollution on the mound. The member for Southern River has put forward some suggestions about the pollution problem and what should occur if it is found that the water is severely contaminated. I hope that the Government listens to her.

The other issue I want to touch upon briefly relates to the proposed boundaries that have been laid down in this metropolitan region scheme amendment, in particular the proposed future development on the southern end of the Jandakot mound. That area has not yet been harvested for the Perth water supply but it will be harvested at some point in the future. Unfortunately, the boundaries that have been set in this MRS amendment are based on hypothetical bores. I accept that the likely sites of the bores are based on hydrological tests. Nonetheless, they are hypothetical bores. If the authority experiences problems with water quality from future bores in those locations Perth's water supply will be at risk because the boundaries have been set with no margin for error. This is of grave concern particularly for the southern extension area of the mound. It has been argued that the amendment will be seen as a precedent in terms of what is happening in a similar process in the Gnangara mound region. I am glad to see the Government does not propose to build a prison over the Gnangara mound.

Hon Peter Foss: It is you who is suggesting that.

Hon KEN TRAVERS: If the Attorney General had read the report, he would have known three months beforehand that someone suggested it.

I want to talk about the implications of this proposal for the Gnangara mound. I was concerned when I read an article in *The West Australian* of 24 March about a building push for a ground water site. It referred to a draft report within the Planning Commission of Western Australia on managing the water mound. The article stated that more urban development and water bores are planned for Ellenbrook. I am pleased to say that the people from the Ministry for Planning have told me that is false and the report was misleading. I hope that is the case and that in the Gnangara region we will not see a repeat of the mistakes that occurred over the past 20 years in the Jandakot area.

I accept that there are some specific historical circumstances that have got us to where we are today in the Jandakot area. However, we are in a far better position to get the process right in the Gnangara region, to learn from what happened in and around Jandakot. We must work with the people who have private ownership of the land in the Gnangara region. Those people have enjoyed a longstanding, historical connection to this land. When they move their families and livelihoods off the land, they must be allowed to do so with some sense of dignity and respect and be adequately compensated for it. We must not use planning control authorities totally improperly as mechanisms and weapons against the residents to move them off the land. I had a briefing from the Water and Rivers Commission. In the brief time I had with those officers, they told me that they were moving along that path. Although it is good to see that occurring, it is a shame that it has taken two or three years of anguish and heartache for the people in Gnangara to be addressed. A more humane approach must be adopted.

We must treat our ground water reservations in the Gnangara region in the same way as we treat the Mundaring Weir. During the inquiry of the select committee into ground water, a number of people, including Phil Jennings, gave evidence that if anyone proposed urban development near the Mundaring Weir, we would be up in arms; yet people

are proposing to do that in both sections of the Gngangara mound. It is very important to protect these precious resources, particularly the Gngangara mound because it is the sole water supply in the northern suburbs; whereas in the Jandakot region there are other alternatives. However, that is not to say that we should not be seeking to protect them from both an environmental and usage point of view. We must do that fairly and with equity for those concerned. We must make sure our processes are understood.

In summary, if this amendment goes through, we must make sure the necessary resources are put in place in conjunction with the local government authorities; educate local residents on the implications of the planning policy; treat local residents with fairness and equity, including access to compensation for injurious affection; provide a responsible explanation of the non-conforming use rights; ensure there is a full and proper audit of all pollution sites on the mound; monitor those sites and keep the public informed; put money into purchasing more government land to add to the Jandakot park; and provide adequate funds to manage and patrol the park. We must make sure that we learn from the mistakes in Jandakot and not repeat them in the Gngangara region.

HON SIMON O'BRIEN (South Metropolitan) [5.56 pm]: Hon Ken Travers has covered a great deal of ground in advising the House of a number of matters in relation to the Jandakot water mound. My contribution to this debate will be fairly brief in view of that. I will add only a few more points. As a starting point I will go back to the member's introductory remarks. He advised us on a couple of points about this proposed amendment and the disallowance motion.

I will summarise in general terms by saying that he referred to some problems with the process of public education, consultation and related matters. That led to some further concern that he expressed about the future land use options for residents there, and also compensation. I understand the Minister representing the Minister for Planning will probably respond to all of those matters when he speaks in just a moment.

I turn to another point Hon Ken Travers raised in his speech; that is, the substance of the proposed amendment. He felt, in essence, that it was too little; however, it was the only thing on offer at this stage for zoning or land use protection for the Jandakot water mound. In view of that, and putting to one side for one moment all the other considerations that have been raised about the inadequacies, or otherwise, of this amendment - I will leave it to the Minister to defend the Government's position on them - I hope this disallowance motion will not succeed. I even hold out a hope that it might be withdrawn. As the member said, the regulation provides, with some qualification, the only zoning protection available to this water mound.

I have been aware of this issue for some 10 years. Some years ago I worked with a number of people in the Cities of Canning and Gosnells with regard to various representations which had been made to local and state governments at that time. Those people included the now member for Southern River, Mrs Monica Holmes, to whom Hon Ken Travers referred in his speech. Members on this side of the House have had plenty of contact from the member for Southern River, who has been pursuing this issue and others with some vigour.

Hon Ken Travers: Perhaps the only way we can sort it out is to get rid of the Government!

Hon SIMON O'BRIEN: The more preferable option involves cooperation with the Government, and that is what I want to explore now. When Hon Ken Travers referred to part of the history of this saga, it took me back to some of the personalities who have been involved, purely with the motivation to protect their community and the water resource for the future. One person who comes to mind is the late Gordon Stapp, who was a resident of Canning Vale and a prominent activist at many levels on a variety of community issues. He was a vigorous defender of the Jandakot water mound and, in every forum that was available to him, went to great lengths to promote the value of the mound. I and a number of other people who had come to respect Gordon Stapp's dedication to this issue attended his funeral some time ago. A man by the name of Peter Boetcher, who is an authority on the Jandakot water mound and an old friend of mine and of Gordon Stapp's, brought with him a container of pristine mound water, which he placed in Gordon's grave as a final gesture that spoke louder and longer than any eulogy could have done on that occasion.

I have been familiar with this issue as it has evolved over the years, even though the area in question is to the east of the boundaries of my region, and I understand that Hon Norm Kelly, who is a member for East Metropolitan Region, will speak on this subject shortly.

This matter should concern us all, because the water from the Jandakot water mound flows far beyond its boundaries. Over many years much of the ground that covers the Jandakot water mound area has been denuded of trees to make way for other land uses. Waste materials from livestock, whether it be dogs, horses, pigs or chooks, and a vast quantity of nutrients from agricultural and horticultural uses have been added to the soil and have built up in the water mound over many years. In addition, contaminants of an even more nasty variety have been introduced at various locations over time. These contaminants enter the water mound and make their way into the aquifer by permeating through the sandy soil. The rate of permeation depends also on whether the natural drainage has been corrupted by

man-made features such as roads or concrete slabs for buildings. The water does not remain in the aquifer permanently but can be drawn from the aquifer by bores, which is, as Hon Ken Travers mentioned, a prominent use of Jandakot water mound water. Water also moves from under the mound through the aquifer.

In the late 1980s, preliminary studies indicated that the movement of water from the Jandakot water mound area was generally to the north and the west. I do not want to give the impression that this is some sort of underground river that flows along. The movement of the water is far more subtle or slower than that. It almost oozes along and takes a great deal of time to travel any distance, but travel it does, and to various destinations. The contaminants have been found as far north as the Canning River.

Hon Ken Travers: That is where it flows to.

Hon SIMON O'BRIEN: Substantial amounts of water go into the Canning River, and some environmental issues have been raised there which can be traced back directly to the input of contaminants into the Jandakot water mound. Ground water also travels to Cockburn Sound in the west. Over the past 10 years, a great deal of evaluation has taken place of the water quality at Cockburn Sound. Lately, there has been much public focus on this subject because of the proposed Jervoise Bay infrastructure and other projects planned for the Cockburn Sound area. One of the most interesting studies of the water quality in Cockburn Sound has shown that, because of the various environmental restrictions that have been imposed, there has been a measurable drop in inputs from industry waste delivered as liquid, and there has been a measurable improvement in the amount of sewage discharged into Cockburn Sound. Some other indicators have also been positive. That is the good news.

The bad news is that the input into Cockburn Sound of contaminants via ground water has increased. That is not necessarily because of any lesser understanding of how we should treat ground water areas, but it shows how long it takes ground water to move from its source.

Hon Ken Travers: It would not be coming out of the Jandakot mound because it goes into the Serpentine estuary and the Peel-Harvey estuary or the lakes system.

Hon SIMON O'BRIEN: There is an interrelated aquifer, which includes the lakes system which extends south, and that is part and parcel of the whole aquifer which exists south of the river. The point I am making is that it demonstrates how long contaminants remain in the aquifer and how slowly they move. Even though the sources may have been stopped or reduced, the contaminants keep flowing through to their destination many years down the track.

The question that now arises is, what should we do in respect of the Jandakot water mound in particular and other water mounds in general? I will conclude with a number of key suggestions that I would like to see the relevant authorities investigate with a great deal of vigour.

Sitting suspended from 6.00 to 7.30 pm

Hon SIMON O'BRIEN: I was about to conclude my remarks on this motion prior to the dinner suspension by offering three suggestions relating to the Jandakot water mound story. I hope the anticipation of these revelations did not cause too many members to lose their appetite at dinner! I now put those members out of their misery. The Jandakot water mound has provided some examples of what can happen to our precious resource of water if we choose as a society - this has happened over many years and with successive Governments - to apply inappropriate practices and land uses over water mounds. What can be done to rescue the Jandakot water mound is probably limited and, certainly, it will require long term practices, so we must look to the future of the resource. Therefore, I offer three suggestions for consideration.

First, I draw on Hon Ken Travers' comments that it is necessary to protect that part of the water mound area specifically to the south and towards the escarpment which is still comparatively pristine. It is possible to keep it that way, bearing in mind that the aquifers tend to flow north and west of the mound. We need to develop a commitment on the part of the Government to protect those areas which, of course, fall outside the area of this amendment.

The second matter relates to current water usage on parts of the water mound area with which we deal tonight. In view of reports from a variety of sources, water drawn from the mound is contaminated and unfit for human and some horticultural uses. That situation requires investigation of a scheme - I do not have time to cover that aspect now - to draw water from the mound to enable it to be treated; therefore, at least the option will exist to use some of the water resource in a way which will not affect public health. That may be through industrial usage or purely domestic watering purposes as opposed to drinking.

Third, it is incumbent on us to ensure that we get it right in the future. This will involve an independent study of the health of our water mounds. This could possibly be undertaken by bodies like the hydrology department at Murdoch University or at Edith Cowan University, with the proximity of its Joondalup campus to the Gngangara mound. These

ideas have been promoted by the member for Southern River, whom I referred to earlier in this debate. The proposals I outline have a degree of acceptance in the community. In fact, plenty of residents in the affected area, although not happy with the situation that has evolved, would like to see these steps taken as a matter of priority.

Returning to where I commenced, the disallowance should not succeed because this amendment to the metropolitan region scheme is the only protection immediately available. I hope that if the disallowance motion is not defeated, it will be withdrawn - that action is up to the mover of the motion and the House. However, the motion has been a useful vehicle to express views on the water mound, and I look forward to hearing from following speakers.

HON J.A. SCOTT (South Metropolitan) [7.38 pm]: This disallowance motion has posed a problem for the Greens (WA). On the one hand, the protection of the water mounds in the city is vital, and this amendment to the metropolitan region scheme is the first step towards protecting those mounds; however, I am worried that the steps do not go far enough.

The noble recommendations made by the Legislative Assembly Select Committee on Metropolitan Development and Groundwater Supplies have not been fully implemented. The principle espoused by that committee has not been implemented in total. The downgrading of the protection of the mounds has resulted from the process by which the Ministry for Planning has overseen developments. Therefore, the people protecting our ground water have been underlings to the planning committee. These amendments to boundaries and the related planning statement which relate to the management of the mound have been watered down because the Ministry for Planning has looked at its own interests rather than those of ground water in this State. My reason for saying that is obvious, and I have some documentation in support of my argument. The select committee recommendations, in part, were -

The redrawing of boundaries should be carried out using groundwater models which take into account the contributing recharge and drawdown areas for present and future wells, and capture zones for important environmental features.

In redefining these boundaries, the sustainable yield of water supply should be maximised while providing as much land as possible for other land uses, while taking into account the objectives of the Priority 1, 2 and 3 catchment classification.

There should not be a reduction in the area of groundwater catchments unless the study can demonstrate that the quality and quantity of water available for drinking water supply can be maintained.

Areas of groundwater catchments not used for water production, but identified for protection because of environmental values such as National Parks and Nature Reserves, should be identified as such on plans showing water catchments. The Water Authority should consider a separate class of zoning for such areas.

The former Water Authority has been broken into different areas. However, the changes and the planning principles that are being put in place do not effectively meet those aims.

Hon Peter Foss: Will you develop that statement?

Hon J.A. SCOTT: I will. The administrative and enforcement difficulties caused by the declared boundaries create a problem. They intercept properties sometimes at shallow angles. Through a freedom of information application I have obtained some documentation in which the Water Corporation argued that new boundaries should be approximated to the cadastral to avoid those difficulties. Boundaries have been designed on so-called scientific principles which result in the boundaries running in circles around the drawdown areas. That creates problems for landowners because their properties are not circular. How can landowners divide and manage areas when the boundaries run in circles? They will have fencing problems now, and future management problems. The plan should contain straight line boundaries. It is a silly situation because the scientific principles have been taken too far.

The Water Corporation also suffers a loss of flexibility because it must pump from existing wells which will need to be replaced in 15 or 20 years. The drawdown requirements do not allow for the replacement of wells in other positions at some future time.

Hon Peter Foss: The scientific work allowed for non-existent wells.

Hon J.A. SCOTT: The scientific work was limited. I intend to refer to the argument by the Water Corporation in the document I obtained under the FOI process. The corporation disagrees.

Hon Peter Foss: The scientific work was carried out to allow for new wells.

Hon J.A. SCOTT: The corporation agreed that the scientific work followed reasonably proper procedures. However, the problem is that the work was done largely on the western boundary. Little work was done in other areas to the north or east. The model highlighted certain problems. For instance, it indicated that the water levels in the lakes

or wetlands do not vary over time. However, due to environmental conditions there can be up to 1 metre difference in the water levels over a year. The model does not indicate the real situation.

Hon Peter Foss: I refer you to page 18 of the report!

The PRESIDENT: Order! The Minister will have his chance.

Hon J.A. SCOTT: A report does not always reflect the views of the authorities. The unfortunate point about reports is that people selectively choose what to put in them. I will run through some of the material, because the Minister needs to consider some of the problems. The first document is entitled "Water Corporation submission on MRS Amendment No 981/33". Under the heading "Dames and Moore modelling", it states -

The parameters and assumptions used in the capture zone modelling need to be taken into consideration before the results can be used to define the hydrological boundaries of the groundwater protection zone. For example, the modelling assumed a constant head in the major lakes. Monitoring data demonstrate a seasonal variation in head of approximately 1 metre, which would be likely to affect the outcome of the modelling.

The Corporation is concerned that the calibration data used for the modelling appears to be concentrated along the western edge of the area modelled. This could explain the difference (in some cases between 1 and 2 metres) between predicted and measured water levels. The "gap" in calibration data appears to have caused the area around the Jandakot Airport to be outside the boundary of the protection zone.

That is nonsense. The Jandakot Airport is not outside the boundary. It continues -

It is also of concern that some sumplands appear to cross the boundary, meaning one side of the sumpland is not hydrologically connected to the other side.

That is impossible. It continues -

In the report, it is acknowledged that:

"capture zone definition is relatively consistent, unless substantial changes to ground water levels are simulated; in practice this would not occur due to the continuing management of the resource."

In Jandakot where there is so much groundwater dependent vegetation, lakes and wetlands, a 1 metre difference in groundwater levels (between measured and predicted) is significant.

People living above the Jandakot mound have told me that large tracts of banksia woodland are dying due to the drop in the water levels.

The select committee specifically pointed out that the environmental values should be protected in any plan. Because the model contains errors of 1 or 2 metres in water levels, that protection will not be achieved. The same document refers to practical management of the non-cadastrally based underground water pollution control areas as follows -

The capture zone modelling has defined a hydrological boundary consisting of chords and tangents. It was recommended in the Select Committee Report on Metropolitan Development and Groundwater Supplies 1994 that the boundaries be reviewed so that they are based on rigorous scientific evidence, however it is believed that directly applying the boundary derived from the modelling is a high-risk approach given the practical difficulties in managing land use on a block of land with different Priorities assigned to different areas. In practice, the cadastral boundaries of the blocks inside the UWPCA and immediately adjacent to blocks intersected by the UWPCA may become a de facto delineation between allowable and unacceptable land uses.

This would result in a reduction in the area of the land protected by the protection zone and ultimately to degradation of the Jandakot water supply.

That is not reflecting precautionary principles. The information I sought and received from the Water Corporation demonstrates clearly that the corporation and the Planning Commission had different ideas about that issue.

Another letter to the Ministry for Planning from the Water and Rivers Commission signed by a Mr Ross Sheridan refers to the location of the bores in the southern extension and states -

The Water Corporation's submission suggests it is inappropriate to use the modelled groundwater capture zone boundary in South Jandakot when the bore locations have not been finalised. Instead the Water Corporation recommends a precautionary approach should be adopted and the R-WPZ extended over sufficient area to cover any possible wellfield layouts. Other submissions by land owners with aspirations

for urban development of their land and the Town of Kwinana suggest the proposed R-WPZ in this area should be contracted to enable urban development in otherwise suitable areas.

That issue was addressed by the Water Corporation. It expressed a number of concerns about precautionary principles not being applied and the Planning Commission -

Hon Peter Foss: Did you read the letter of 4 March as well?

Hon J.A. SCOTT: I have read a few letters; I have a huge amount of information.

Hon Peter Foss: That is the one that retracts the information you have quoted.

Hon J.A. SCOTT: A letter from the Western Australian Planning Commission to Dr J.I. Gill and signed by Simon Holthouse states -

We all appreciate the difficulty of planning twenty years into the future and the need for accuracy tradeoffs against timeliness. I believe we are better served by adopting the boundary as proposed, balancing minor accuracy issues against providing planning certainty. To pursue a conservative approach, locking away land on the basis of a precautionary principle, would only undermine credibility of the total planning controls on the mound. This credibility is important in achieving control on land uses within the area once it has been defined.

Of course, that is nonsense. The whole idea of locking away the land is not to serve planning credibility but to protect the water mound. The Planning Commission is putting planning principles and the ease of implementing them ahead of protecting the mound. We cannot afford to do that.

The select committee said that we are land rich and water poor in this country, and that we must protect our water supplies first. Simon Holthouse is saying that the commission rejects that notion and will go against what the select committee recommended. It will ensure that it can satisfy land requirements rather than protect the water supply. That is not good enough.

I am concerned that we will apply these principles to both Jandakot and Gnangara. We know the same approach will be taken to both mounds. The Water Corporation has said that it is concerned about the proposals being implemented.

I will not vote for the disallowance. I do that with some regret - I fear that we will get nothing otherwise - rather than with a wholehearted approval of what is being implemented. Unfortunately, I am bound to support this halfway house approach to protecting the mound, particularly in terms of the reduction of boundaries which has occurred and which the Water Corporation believes will lead to the degradation of water supplies. If that approach is applied to the Gnangara mound, this city is in trouble. I hope very sincerely that the Government will have the common sense to realise that it must reconsider this issue. We must not apply the precautionary principle and boundary selection approach to Gnangara. I would not support that move if it is proposed. This amendment will not achieve the principles established by the ground water committee.

I am also concerned about the loss of recharge area and hence the ground water quality available for consumption and environmental water requirements and the likelihood of adverse impacts on the environmental features, particularly the wetlands it is proposed will be located outside the protection area. They will now be subject to increasingly degraded ground water and surface water quality as the intensification of development occurs between the new boundary and the lakes. This is not what the select committee recommended. It said that the wetlands were to be protected and that is not happening with these boundaries.

The select committee did not go far enough in respect of the land which was classified priority 1 and two and which has already been developed, particularly the urban areas. Some members will be aware that the areas to which I am referring are along the western side of the mound abutting the development. Hon Simon O'Brien mentioned a gentleman who had quite a knowledge of that area.

Hon Simon O'Brien: I mentioned two; one was Peter Boetcher.

Hon J.A. SCOTT: I remember meeting with Peter Boetcher before I got into this place. He was trying to get the Government - a different Government at that time - not to go ahead with development in that area. Both the Water Authority of Western Australia and the Environmental Protection Authority were against that. Once again, the Department of Urban Development ruled the day. The Environmental Protection Authority and the Water Authority were overruled and the development was allowed to occur. That was a terrible mistake; that development should never have gone ahead. Having been put there, we now have priority 1 and 2 areas taken up by urban development.

The boundary and management documents have put forward the position that now that urban development is on this land, it is zoned as only priority 3.

Hon Peter Foss: That is what it means.

Hon J.A. SCOTT: What does priority 3 mean to the Attorney General?

Hon Peter Foss: That is the definition of it. It is a mixture of what is under the ground and what is on top of it. Because there is housing on it, it is now priority 3.

Hon J.A. SCOTT: This is exactly my point. Because these houses have been built on this land above the water mound, it must receive even higher priority and have even more management to protect the water supplies. To most people priority 1 means highest priority, priority 2 means second highest priority, and priority 3 means third highest priority.

Hon Peter Foss: It is how you draw the water. You would prefer to draw it from places without housing on it, for obvious reasons.

Hon J.A. SCOTT: I think that area should be given a different designation.

Hon Peter Foss: What is that?

Hon J.A. SCOTT: It should still be called priority 1, but with a special control area.

Hon Peter Foss: It relates to drawing down of the water.

Hon J.A. SCOTT: What controls are there for people using nutrients, herbicides or pesticides in their garden, or having animals in the backyard, and so on?

Hon Peter Foss: You can put on whatever controls you want.

Hon J.A. SCOTT: We do not have the same statutory controls as there are over priority 1 and priority 2 areas.

Hon Peter Foss: Why do you say that?

Hon J.A. SCOTT: Even if it is only in people's minds, when an area is zoned as priority 3, it does not get a higher level of priority and concern from those who will manage it. At the end of the day who will be managing and looking after these areas? There should be special education programs for people who live in those areas.

Hon Peter Foss: They are not in priority 1 areas.

The PRESIDENT: Order! I ask the member to address his comments through the Chair. Other members will have an opportunity to contribute when the member concludes his comments.

Hon J.A. SCOTT: I am very concerned that, even if the Attorney General is correct in saying that there are different protections, there should be different controls for priority 1 and priority 2 areas. Certain things are allowed to occur in the priority 3 areas that cannot occur in priority 1 and 2 areas. That was the whole idea of having these different priority areas. I cannot see that the interjections of the Attorney General make any sense at all.

In terms of protection of the environmental values, the reduction of areas that has occurred under these amendments will not only increase, but will also put pressure on the ground water which is dependent on natural vegetation in the area that is outside the protection zone. There will also be an intensification of development on the eastern and western banks of the mound. These areas with shallow depths of the water tables on poor and Bassendean sand will end up having increased contamination of the shallow ground water with nutrients and other contaminants, as well as increased volumes of contaminated drainage water flowing into the lakes. One solution is to bypass it around the lakes, but that would be a considerable cost.

I understand that has already happened in the development at Jandakot and South Lake. There will also be additional removal of natural vegetation cover in that area which will cause further degradation of the water supplies. One of the things I noticed in the Jandakot ground water protection policy, which I did not see in the section about protection of the natural native vegetation and wetlands - it may be in there, but I did not see it - was that the natural vegetation is an important cleanser of water. It cleans nutrients and heavy metals and all sorts of things out of the water supply before they get down into the water mounds. By clearing away this vegetation, firstly we are taking away the capacity for the cleansing of the nutrients and heavy metals. Secondly, as occurred in the wheatbelt, but even more so here, we have significant salt in these areas that are close to the ocean. The salt that is causing the salinity problems in the wheatbelt travels through the air and drops to the ground. The closer land is to the sea, the more that occurs. Here

we are taking away the vegetation that reduces the salt fall. It is important to protect the water supply by keeping lots of vegetation on top of the ground.

I will move on to talk about the Jandakot Airport. The Water Corporation believes the modelling did not properly show that the airport area is an important recharge area. I do not believe a proper emphasis -

Hon Peter Foss: Where did it say that?

Hon J.A. SCOTT: It said that it did not matter because the water was flowing away towards the Canning and Southern Rivers. I refer to the draft comments in the public submissions on this amendment in relation to Jandakot Airport.

Hon Peter Foss: What about the correction? Are you leaving that one out?

Hon J.A. SCOTT: Which correction is that?

Hon Peter Foss: The letter where it qualified the earlier letter. Don't you have that one?

Hon J.A. SCOTT: I cannot remember that one. In relation to Jandakot Airport, it states -

The Commission has never supported permitting airports in P1 or P2 areas and has opposed establishment of further airports in Priority 3 areas.

The basis for the Commission's position has been that airports involve a number of activities that have potential to cause groundwater contamination, including:

- . the storage of large quantities of aviation fuel; and,
- . the establishment of large scale mechanical servicing facilities.

This position is justified by evidence from Australia and overseas where airports are often sources of groundwater contamination.

Even at Jandakot airport, there exists a major plume of groundwater contaminated with hydrocarbons. The Commission's position is also supported by Recommendations 24.1 and 24.2 of the Select Committee which lists airports as unacceptable activities within Priority 1 and Priority 2 areas.

The Commission's approach of not supporting airports in Priority 1 or 2 areas has been consistently applied at Jandakot where the land owned by the FAC has been classified for Priority 3 source protection except the southern portion of the land which is hydraulically upgradient of the main airport area.

Whenever we look at the maps of the mound as proposed, we see a nice little piece that goes around the airport as though that had something to do with the plumes.

Hon Peter Foss: It has to do with the law.

Hon J.A. SCOTT: It does not give us a scientific picture. It may have to do with the law, but it does not have to do with what happens under the ground.

Hon Peter Foss: It is not meant to. It is a matter of the law.

Hon J.A. SCOTT: It is time the State Government showed a bit of courage and told the Federal Government that we want to protect our ground water supplies.

Hon Peter Foss: We cannot do that. It is a question of what can be zoned where. We cannot have two zonings for it. It is zoned for an airport.

Hon J.A. SCOTT: It is certainly zoned for an airport. However, the reality is that that area has been sold off by the Federal Airports Corporation anyway. We know that some developers want to urbanise that area. I have also received reports that another group of people who are in the soil mixing business are filling up the holes from their sandmining operations with contaminated material from places such as -

Hon Ken Travers: With sewage waste.

Hon J.A. SCOTT: It is not just sewage waste. They are moving contaminated soil from one of the other shires onto the water mound. We should have some control over that area. It is not good enough to say the law says it is federal airport land and we can do nothing about it. We need to tell the Federal Government that we want some control over this land.

Hon Peter Foss: We have said that, but it is more likely to be environmental control than zoning control. We have an undertaking from the Federal Government - we have not seen it in law yet - that it will do something about it.

Hon J.A. SCOTT: I hope the Minister is pursuing that matter seriously.

Hon Peter Foss: I am no longer the Minister responsible.

Hon Ljiljanna Ravlich: Just as well; we cannot trust you to do it.

The PRESIDENT: Order! As soon as one member interjects, everyone wants to interject. Hon Jim Scott should address his comments to the Chair and not have a dialogue with the Minister or some other member.

Hon J.A. SCOTT: Thank you, Mr President. I will take your advice on board.

The PRESIDENT: The reason I say that is that this Minister does not need a lot of encouragement to have a running discussion.

Hon J.A. SCOTT: Thank you, Mr President. I am concerned that all sorts of silly rules exist between Federal and State Governments that put areas like federal airports outside the control of our local environmental authorities, the EPA and the DEP. That creates many problems. It is time we sorted out not only contamination of the water but also noise from aircraft flight paths.

I cannot conclude my comments without adding to what Hon Ken Travers said about the landowners in the area of the Jandakot water mound. I have looked at a number of contaminated sites on that mound and have been appalled at not only what has been done but what is continuing to be done. For example, cement slurry is being dumped on that catchment area, and I have been told - I do not have the technical expertise to know whether it is correct - that one of the products that is coming from that cement slurry is arsenic. One of the people who came to my office to talk about this problem was suffering from arsenic poisoning because she was using the water from the well as drinking water. She told me she was not the only person who had become ill from drinking that water. I believe those people intend to take legal action at some stage. The controls over that dumping are not good enough. Procedures must be set up to prevent this dumping from occurring on the mound, and they must be properly funded. I am worried that the local authorities do not have the funding to conduct inspections. I will be interested to hear what the Government says about this matter, because one of the concerns of the Water Corporation is that local government does not have the policing ability to prevent this dumping from taking place.

On 3 November last year, I attended a meeting of local residents, the Water Corporation, the Water and Rivers Commission, the Health Department and the DEP. The people at that meeting raised some real concerns about their water supply and their health. Some promises were made at that meeting that a drilling program would be in place within two to three weeks - I took some notes of that meeting, which I have here - but those people have been let down because those promises have not been kept. That program has not been completed. The tests have been done on a piecemeal basis and have been confined to a narrow band, and reports have been written stating that no health risk exists, when we know that some of the parameters are above the proper health levels for benzene. The existence of arsenic was not even tested, even though people had made complaints about it. That is not good enough. It is better than what we had in the past, but people are becoming ill from drinking that water, and testing should take place immediately to see what is happening in that area.

Australia is a desert continent, and our water is a precious commodity that we cannot afford to destroy. People may make a lot of money from residential subdivisions, but that will do us no good if we do not have a water supply. We must employ the precautionary principle, particularly when we look at the Gnangara mound in its entirety, because we know that a significant amount of water will come from that mound.

Although I will not support the disallowance, I am very concerned about the future of this city, which relies upon getting this right. The same planning principles and the same boundary assumptions will be applied to the Gnangara mound. If this Government gets it wrong, many people will be very upset with this Parliament. I will look much further into the Gnangara situation. If we were considering both amendments at the one time, I would be knocking this back despite the fact that many of my supporters, who are tied up with environmental issues and the Conservation and Environment Council, are urging me to put this through. I have many concerns and, although I will not support the disallowance, I am somewhat hesitant. This situation is not good enough, and I hope the Government will consider the Gnangara situation again and recognise that it needs to be improved. The precautionary principles have been thrown out the window, the boundaries have been minimised, silly round boundaries have been set that will be hard to manage, and the natural vegetation and the future of Perth's water supplies have been put at risk.

HON PETER FOSS (East Metropolitan - Attorney General) [8.21 pm]: I was puzzled by Hon Ken Travers' speech because at the end of it I was not sure whether he thought the boundaries were too big or too small. It is clear that Hon Jim Scott wants the boundaries to be bigger, but I am not sure about Hon Ken Travers.

There is some confusion about what this process does and what it is. An attempt has been made in the planning process - to a large extent at my insistence when I was Minister for the Environment and Minister for Water Resources - to indicate to people what they can expect for the future. It is not the only control, but it is one of the controls. The useful feature of the planning process is that it provides a central document which gives some indication to the public as to the use of land, and it offers a degree of compensation in cases where, because of that designated use, people are unable to use it for their own purposes.

When I was Minister for the Environment I asked for a process whereby the department went through the System 6 report and recorded it in the planning process. Although System 6 is not official and there is no legal support for it, it has the effect of activating the interest of the Environmental Protection Authority so that anyone who wishes to develop System 6 land must notify the EPA, which then decides whether to assess it. It has the virtual effect of freezing the use of that land, without compensation.

The advantage of land use being included in the planning process is that it clearly indicates to the public what they can expect. People who purchase land check as a matter of course its metropolitan region scheme and local government zoning or reservation, and they are instantly warned of the use of the land. If someone is deprived of the use of that land, as a result of a rezoning or reservation, the rights of compensation under the Town Planning and Development Act under the metropolitan region scheme come into operation. Some people do not understand that the Government can deprive people of the opportunity to use their land in many ways, without compensation. Anything that deprives people of the capacity to use their land under the provisions of the Environmental Protection Act is not subject to compensation. It must be borne in mind that one of the benefits of the metropolitan region scheme is that it provides people with compensation under the circumstances designated in the Act, without which they would get no compensation. It indicates clearly and plainly to the public the intended use of the land.

Hon Jim Scott did not understand that at least two other mechanisms can be used for the protection of this land. One is the Environmental Protection Act and in particular the proposed environmental protection policy, which interestingly does not come before the Parliament. The supporters of Hon Jim Scott set up the capacity for an environmental protection policy to be established and once that happens, like a town planning scheme, it has the effect of law. Unlike many other things, this Parliament has no right to disallow that policy. Those people put into the hands of the Minister for the Environment immense powers to legislate without the capacity to be challenged and without any compensation.

There are many obligations in various legislation relating to water. For example, legislation provides the capacity to prohibit all sorts of uses of land where those uses threaten a water reserve. That remains in place. There are many circumstances under which the Government can stop people doing things. The person mixing soils in the Jandakot area was dealt with under the water related legislation. I believe the danger of that activity to the water has been exaggerated. It was one of the most successful recycling efforts in Western Australia, and it almost single-handedly changed the situation in Western Australia, from no building materials being recycled to a reasonable amount being recycled. Properly handled, it had the capacity to be a sensible use of that land.

This amendment sets up a regime whereby two things happen: First, the public is notified in a central way which guides local government as to how the land shall be used. Secondly, it provides a system of compensation for people adversely affected. Without this amendment, those people could be stopped by both the EPA and the Water and Rivers Commission from doing certain things, with no compensation payable.

All the questions raised by Hon Ken Travers were about compensation. I am surprised that he asked the questions unless he has been giving people a strange idea about the situation. I hope he has not been saying outside this place the things he has said to this Parliament because if he had, he would have caused a considerable amount of grief unnecessarily. Amendments are made to the metropolitan region scheme all the time. Dozens have been through this Parliament since this Government has been in office, although I do not remember any going through when the Labor Party was in government. Unlike the Labor Government, the current Government has not used section 33A, under which no consultation whatsoever took place. It is extraordinary that members opposite should say that no consultation took place in this instance.

I refer them to the report and to the Act, which provides for a lengthy process. I further refer to tabled paper No 776A, page 2, paragraph 4 which states -

The Minister for Planning gave preliminary approval to the proposed amendment which was advertised in the Government Gazette on Friday, 9 August, 16 August and 23 August and remained open for public submissions until Friday, 15 November, a period of three months. An extension to the submission period was approved by the Minister for Planning until 13 December, a period of 1 month. This extension was advertised in the Government Gazette 1 November, 1996, and 10 November, 1996. Letters advising the affected landowners of the extension were sent on 31 October, 1996.

The amendment was made available for public inspection during ordinary business hours at:-

- the offices of the Ministry for Planning;
- the offices of the municipalities of the Cities of Perth, Fremantle, Armadale, Canning, Cockburn and Gosnells, Town of Kwinana, and the Shire of Serpentine-Jarrahdale, and
- the State Reference Library.

During the public inspection period, notice of the amendment was published in the following newspapers:-

- The West Australian;
- Sunday Times;
- Comment News;
- Cockburn Gazette;
- Melville/Fremantle Times;
- Sound Telegraph; and
- Weekend Courier.

A summary brochure was produced and issued free on request.

Owners of land affected by the proposed reservation and zonings contained in the amendment were forwarded a copy of the summary brochure and a plan showing how their property would be affected, and advised of the opportunity and procedure for making submissions.

A display containing details of the amendment was exhibited at the Ministry for Planning.

There were many enquiries from individual landowners, members of the public and other agencies. These were answered by officers of the Ministry for Planning by telephone, at the public counter, and by appointment.

Also, an officer from both the Ministry for Planning and the Water and Rivers Commission attended two public meetings on invitation to provide a presentation and answer questions.

5. Submissions

A total of 235 submissions were received on the amendment, with 10 of these being received late. An alphabetical index of all persons and organisations who lodged submissions is attached at Schedule 1. A summary of the submissions is attached at Schedule 2. A fully copy of all written submissions is contained in Volume 2.

6. Hearings

The Metropolitan Region Town Planning Scheme Act provides that where a submission contains an objection to a major amendment, the Western Australian Planning Commission cannot dismiss the objection until the person making the submission has been given the opportunity of being heard by a sub-committee formed by the WAPC for that purpose. The Act also provides that the WAPC shall not uphold an objection to an amendment until it has given persons who lodge submissions supporting the proposals contained in the amendment to which the objection relates the opportunity of being heard by the sub-committee formed by the WAPC for that purpose.

It lists the members of the committee and continues -

All persons who made submissions (both in support and opposing the amendment) were invited to present their submissions to the Committee. Submitters could elect to be heard in public or private. A total of 72 hearings were requested representing a number of submissions across a variety of the proposals. Of these, the actual number of hearings were reduced to 59 as 8 different groups of landowners elected to have their views presented by an individual. Of the 59 there were 5 cancellations.

A total of 54 hearings took place at the Ministry for Planning on 10, 11 and 13 March, 1997. A transcript of the sub-committee proceedings (public hearings) is contained in Volume 3.

The statement that a public consultation process did not occur is a little inaccurate!

Hon Ken Travers: Without the statement of planning policy it was meaningless.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The Attorney will address the Chair.

Hon PETER FOSS: That is absolute nonsense. Statements of planning policy are not usually made.

Hon Ken Travers: It is new zoning.

Hon PETER FOSS: So what?

The DEPUTY PRESIDENT: Order, members.

Hon PETER FOSS: Hon Ken Travers should find a statement of planning policy about all the old zonings. He seems to be treating the metropolitan region scheme the same as a local town planning scheme, where ticks and crosses and all the other things are required to indicate what are permitted and non-permitted uses. He should know how the metropolitan region scheme operates.

Hon Ken Travers: I do.

Hon PETER FOSS: I am glad he knows about it; he did not sound as though he did. All that ever comes out is a statement of general intent. He should examine the zonings in the metropolitan region scheme. How much does this tell people? Some of the reservations include parks and recreation areas, railways and water catchments. Some of the zonings in here are "urban", "urban deferred", "central city area", "industrial", "special industrial", "rural", "private recreation". All they do is indicate a general purpose for which it must be used. That is all we ever get for any scheme. We do not get statements of planning policy that indicate that in great detail.

Hon Ken Travers: Why did the ministry want to have a statement of planning policy and the MRS amendment go through together when the Government wanted to split the process?

Hon PETER FOSS: I see no necessity for a statement of planning policy as part of this; likewise the environmental protection policy. This process is not new, although it has one new zone. It does not require a statement of planning policy to give it effect; nor do the others have statements of planning policy to give them effect. One of the recommendations in the report was that there should be a statement of planning policy. Nowhere was it necessary as part of that process. It would be extraordinary to put out a statement of planning policy every time a rezoning and reservation were done.

Hon Ken Travers: Why did you mention the statement of planning policy in your speech when you tabled the amendment and make reference to the fact it was released only a week prior to that?

Hon PETER FOSS: Because a statement of planning policy was put out. It was recommended in this report.

Hon Ljiljanna Ravlich: Have you read the report?

Hon PETER FOSS: I am one of the few people who have read it. One of the recommendations in the report was that a statement of planning policy should be put out. However, a statement of planning policy is not necessary as part of the public consultation process. The report recommends that to assist the above process a statement of planning policy should be prepared by the WAPC in consultation with the Water and Rivers Commission and the Department of Environmental Protection. It suggests this policy should address the amount of acceptable uses and model scheme provisions to guide subsequent amendments to affected town planning schemes and to be made available for public comment prior to the finalisation of the amendment. That was recommended and it was done. It was not stated that it was necessary in order to interpret the metropolitan region planning scheme nor would anybody have suggested otherwise.

Hon Jim Scott also suggested that something was wrong with the Dames and Moore scientific modelling. He read a submission by the Water Authority. However, he did not read another submission, on which basis the Water Authority accepted the statement of modelling. The other point is that a statement by the Water Authority - I accept that it is in the report - which Hon Jim Scott adopts is on the basis that there is a problem with not having cadastral boundaries. In some circumstances metropolitan schemes follow the cadastral boundaries and in others straight lines are drawn for their own purposes which affect the cadastral boundaries. The extraordinary suggestion was made that it was difficult to manage something simply because a scooped line was drawn rather than a straight line.

Hon J.A. Scott interjected.

Hon PETER FOSS: That happens all the time.

Hon Ljiljanna Ravlich: It doesn't make it right.

Hon PETER FOSS: In the metropolitan region scheme straight lines go through boundaries.

Hon J.A. Scott interjected.

Hon PETER FOSS: I know, but it happens all the time. A client of mine had a whole freeway with interchanges drawn through the middle of his property. According to Hon Jim Scott's suggestion it would not have been in the

shape of a freeway with all the bits and pieces; it would have been around the squares of the boundaries of his land and taken up another 500 or 600 hectares.

Hon J.A. Scott interjected.

Hon PETER FOSS: It did; it looked like a freeway interchange and that was exactly what it was.

Hon Ken Travers: They will become cadastral boundaries in time.

Hon PETER FOSS: So?

Hon Ken Travers: These will not.

Hon PETER FOSS: What does it matter? I cannot see the member's problem. Hon Jim Scott expects some sort of limitation to be applied. There is nothing in this report which indicates that such a limitation will apply.

Hon Ken Travers: That is the point about the SPP.

Hon PETER FOSS: Hon Ken Travers keeps raising objections and when people try to address them he raises problems in response to them. Metropolitan region schemes do not operate that way.

Hon J.A. Scott interjected.

Hon PETER FOSS: Why?

Hon J.A. Scott: When areas are done on that basis and they must be moved again, they end up outside the boundary. It is not a feasible system.

Hon PETER FOSS: In situations like this people seek more information, so we provide them with more information, then they say that they cannot function with it. They are trying to write rules into the metropolitan region scheme that have not previously existed. The metropolitan region scheme does not contain the fine details. Members opposite now want the fine detail and then they try to use those rules to make the scheme seem silly. Hon Jim Scott is inventing these problems.

Hon J.A. Scott: I am not. The Water Corporation has set this out in a report.

Hon PETER FOSS: I read the corporation's report, including its reference to notional bores. The important point is the idea of a metropolitan region scheme. It is not a town planning scheme which sets out what may be done here and there. It is no wonder the local people are confused if members opposite are telling them that is what it does. That will cause them serious concerns.

Hon J.A. Scott: You had better explain that to the Water Corporation.

Hon PETER FOSS: I have had a lot to do with the Water Corporation. I was the Minister for Water Resources for some time. I would never hold up the Water Corporation as a model; however, it probably has the best example of bureaucrats one can find. I will not spend too much time on the concerns of the Water Corporation.

Metropolitan region schemes do not operate in the way that has been proposed by Hon Jim Scott - people will not have to build curved fences in their paddocks to manage their stock. That is a scare tactic and if that is what the member has said he is misleading people. Hon Ken Travers asked, "Why don't we have something like that which is contained in the federal Constitution that acquisition must be on just terms?" The Metropolitan Region Town Planning Scheme Act and the Town Planning and Development Act provide for adequate compensation.

Hon Ken Travers: The Minister's office made it clear there will be no compensation under the MRS amendment.

Hon PETER FOSS: They do not have any choice if the person is adversely affected. However, if a person is not adversely affected there is no reason to pay compensation.

Hon Ken Travers: It will come in under the town planning scheme, which will be put in place as a result of government policy.

Hon PETER FOSS: To some extent the MRS defers the payment of compensation until the amount of the loss is ascertained. However, the Act makes it clear there will be compensation when there has been adverse effect. The Minister cannot change the Act. The metropolitan region scheme does not normally require compensation. It is seldom that one will receive compensation as a result of MRS amendments because of their nature they seldom prevent things from happening. The metropolitan region scheme generally dictates the form of town planning schemes. It is the town planning scheme which leads to people having a right to compensation. Members opposite are treating the metropolitan region scheme as if it were a town planning scheme.

The most frequent reason for compensation under the metropolitan region scheme relates to a reservation. That usually is deferred until such time as one makes an application for development and it has been knocked back. Usually the circumstances under which compensation is awarded under the metropolitan region scheme is either because the land has been acquired by the Government, in which case it resumes the land and pays the appropriate compensation under a mixture of Acts, or because the town planning scheme comes into effect. The reason for that relates to the difference between reservations and zonings under the metropolitan region scheme. The local government zone has priority over the metropolitan region scheme zone when the two are in conflict. If one makes an application for development in an area that is zoned, one's right to development is based on the local government town planning scheme zone. That overrides the reservation. The right to compensation seldom arises because it is not until the town planning scheme is amended that one's rights are affected which results in a right to compensation. Hon Ken Travers is shaking his head. Is he saying that is not the case?

Hon Ken Travers: It is the case. In order to understand the process one needs everything on the table.

Hon PETER FOSS: This is a standard process. We have used this method for years. People know that the time they are likely to have their rights affected under a zoning is when the local government town planning scheme is amended to conform with it. It is at that stage their right to compensation will arise. It is unlikely they will be affected adversely under the MRS unless it is a reservation. As soon as it is reserved there will be an immediate effect. The mere reservation of land under the metropolitan region scheme takes land out of the local government power to zone. People must go to the Western Australian Planning Commission in order to obtain a right to develop on a reserved area.

It is an old reservation. The water catchment reservation has been in the metropolitan region scheme forever.

Hon Ken Travers: That is on government owned land in Jandakot.

Hon PETER FOSS: I know. That reservation is not new; the zoning is new but it will have no effect until such time as local government brings in some local government town planning schemes. Until then the zoning which applies is the one which applies under the town planning scheme. That is because the town planning scheme has priority over the metropolitan region scheme. The mechanism for bringing them into line is an obligation on the local authority to review its town planning scheme every five years to bring it into line with the metropolitan region scheme. They should do that. There are councils that are well known because they have not reviewed their town planning schemes for 20 or 25 years. They have been using that quite effectively as a way of extorting money from people. That should be changed.

Hon Ken Travers is unnecessarily frightening people with the suggestion they will not get compensation. They will get compensation if they are deprived. They are unlikely to be deprived, simply because of the way the two schemes work together. The reservation has no private land, so it is unlikely to happen immediately. Saying to people they will be affected and they will not get compensation is inaccurate. People will not be affected until such time as the zoning changes and then they have a right to compensation.

Hon Ljiljanna Ravlich: Will they get fair compensation?

Hon PETER FOSS: The Act specifies the compensation that people will receive. That is what the Town Planning and Development Act, the Metropolitan Region Town Planning Scheme Act and the Public Works Act say.

I could not work out why Hon Ken Travers raised the issue of pollution and whether it was a positive or negative point. The only reason that the issue of pollution arises in this area is that one could argue that it should be excluded from the priority zone if it is contaminated. The point that was missed by Hon Jim Scott was how priorities got their names - it relates to their usage for supplying water. That is a combination of what is below the ground and above the ground. We cannot have a priority area for drawing water if there is no water. On the other hand, we cannot have a first priority if there are factors which make that water unsuitable or in some way less suitable for drawing. As soon as a house is constructed on top of a water source, it is a less desirable source than a pristine location.

Hon J.A. Scott: They are drawing water where those houses are.

Hon PETER FOSS: I know, but it is not the top priority. It is a combination of what is on top and what is underneath. The priority is to draw water from pristine sources which do not have houses on top. That is the difference between priority 1 and priority 3. It is a recognition of what is above and below the ground.

Hon Ken Travers: It is a risk management tool.

Hon PETER FOSS: For some reason Hon Jim Scott thinks that the water will be better if it is called priority 1. It is a recognition of facts. If the member wants a classification which covers environmental protection maybe the Department of Environmental Protection can deal with that. It could have high risk and low risk areas; I do not know.

The member is dealing with a different situation altogether. The priority situation with regard to water has been based on the availability of that water and its priority for being drawn upon. Priority 1 is those areas where one ideally will draw the water because it is an uncontaminated source.

Hon Ken Travers: Priority 3 areas don't have houses on them. If they were made priority 2, people would not be able to build houses on them.

Hon PETER FOSS: Yes, so? It is a recognition of both what is on top of the land and what is underneath. It is not a recognition of only what is on top of the land.

Hon Ken Travers: It is a recognition of what you can do in the future.

Hon PETER FOSS: It is a recognition of what one wants to do with the water.

Hon J.A. Scott interjected.

Hon PETER FOSS: It is not politicians making mistakes. Hon Jim Scott must give some credibility to what has happened over a period of time. If this were 1829, we probably would not come here anyway. The member cannot say that all the mistakes of the past were made by politicians. Generally speaking, most people were not aware of some of the problems.

Hon J.A. Scott: They were made aware.

Hon PETER FOSS: I will admit the Labor Government made some decisions it should not have made when it knew about the problems. I agree with Hon Jim Scott on that point. But most of the problems and consequences of where we now draw our water from arose at a time when I do not think people understood what was happening underground. The member must be a little fair about that. We might have 20-20 hindsight, but I do not think he can expect that of people who lived at that time.

On the question of contamination, one of the benefits that has come out of this is that people are having their bores looked at to determine whether they are contaminated. Strictly speaking, the legal obligation is on the person who has the contaminated land and bore to do something about it. It is not an obligation of government. It is actually an obligation of the owner.

Hon Ken Travers: The land where the contamination source is located is owned by the Government.

Hon PETER FOSS: The Water and Rivers Commission has said it will examine all those bores and it will publish the information. I think that is a positive step and the commission should be congratulated. The good thing about the Water and Rivers Commission is that it has a clear environmental role to play, it has been playing it well, and it is sufficiently funded. We are getting some things done because of the mere existence of that organisation.

Rather than my going through this report, I recommend that members follow it through and they will see that the proper statutory process has been followed. There has been considerable opportunity for people to be consulted. It is not an extraordinary state of affairs. I welcome the new zoning; in fact I initiated the new zoning. The idea of having such a zoning arose when I was both Minister for the Environment and Minister for Water Resources.

Hon Ljiljanna Ravlich: No wonder you are so defensive.

Hon PETER FOSS: I think the member will find Hon Jim Scott thinks it is a good idea. Everybody seems to think the zoning is a good idea. The problem arises because people want to get it defined in a way that I do not think is appropriate. The planning and the scheme should have a general statement of intent. It should not be a matter of trying to turn it into a mini town planning scheme. Hon Jim Scott's supporters support this proposal and I am pleased about that because it was an idea I came up with some time ago. I think we should be doing it. The idea is to try to get the town planning schemes and the metropolitan region scheme to represent the reality of what will be done.

That is where the problem arises with Jandakot Airport. It cannot be double zoned; an area cannot be zoned as an airport and also zoned for a rural water resource area. It must be one or the other.

Hon J.A. Scott interjected.

Hon PETER FOSS: I agree with that. We should be able to stop people putting more fuel tanks in there. I protested enormously to the Labor Federal Government when it went ahead with its commercial development out of Jandakot. We could not stop it because the Federal Government is not subject to EPA processes. I have at least got Senator Hill to agree to some major changes. We will persist with that matter, but the fact remains the Commonwealth is not subject to our environmental processes. I believe it should be. I was looking for a great opportunity with Jandakot. If there had been a spill there which caused contamination, I would have prosecuted and taken the matter to the High Court to see whether the Commonwealth should be exempt from our environmental laws. I thought it was

outrageous. However, I got from Senator Hill significant concessions. The member should follow up the matter with Hon Cheryl Edwardes to see how it has progressed. I have not followed it since then.

We are now dealing with planning, and the fact is Jandakot Airport is zoned for use as an airport and it cannot be zoned for two things at the same time. Our system allows it to be one or the other. The boundary must go around Jandakot Airport, otherwise we would have to unzone it as an airport and zone it for something else. We would love to put the boundary of that zone right over the airport, but we do not have the capacity to do it. It does not mean that in the fullness of time we will lose all forms of environmental control over it. As I said at the beginning of my speech, there are other ways to deal with that. We have other Acts and other statutory powers. Whether we can exercise them on commonwealth land is another point altogether. If this were not commonwealth land but state land, there would be nothing to prevent us controlling the airport activities through the environmental protection legislation. All this does is allow us to deal with development applications and usage. It does not enable us to control the day to day activities. If there is a non-conforming use right for an airport, we still cannot control it under planning legislation.

Members should keep in mind the role of this legislation. It is not environmental protection legislation, it is planning legislation. Even if we changed the boundary, it would not change the practical effects as far as Jandakot Airport is concerned.

Hon J.A. Scott interjected.

Hon PETER FOSS: It does, but if there is a non-conforming use right and it is already being used as an airport, it can continue to be used as an airport. Even if it is zoned as an airport, it does not stop those airports which are not on commonwealth land from being subject to the Environmental Protection Act. If they polluted the land, we would be able to deal with the pollution. If we had an EPP which dealt with behaviour in water charging, we could deal with it irrespective of how it was zoned. Members should not lose sight of the role of this legislation. It is to indicate to people the usage of the land and to provide compensation if they are adversely affected. If this legislation were not passed, we could still have significant controls on the use of the land through the Environmental Protection Act and the water legislation, but the difference would be nobody would be entitled to any form of compensation.

Hon J.A. Scott interjected.

Hon PETER FOSS: I do not think we should get into that argument. I am no longer the Minister for the Environment. I tried that while I was the Minister, but I recognise the High Court is not all that sympathetic in some of these areas.

Hon J.A. Scott interjected.

Hon PETER FOSS: There are two different kinds of legislation and I do not think the member should see this legislation as totally controlling. An airport will continue to be used as an airport irrespective of what we do here.

Hon Ken Travers: Part of the airport land has been rezoned.

Hon PETER FOSS: Which part is that?

Hon Ken Travers: If you look at the map, you will see part of the airport has been rezoned.

Hon PETER FOSS: It did not look like it on here.

Hon Ken Travers: The boundaries around the airport are based on the drawdown catchment zone.

Hon PETER FOSS: I do not think we will find it on this map.

Hon Norm Kelly: On the south east corner of the airport.

Hon PETER FOSS: Yes, the runway does go into that bit there.

Hon Ken Travers: Good performance, Minister!

Hon PETER FOSS: As I said, it makes no difference because commonwealth land is not affected. It can only be zoned for one thing, not two. Strictly speaking, it should not be used as an airport.

Members must understand this legislation does not change the right of this Government to use other forms of legislation which will deal with day to day activities. Even if it were state land and we rezoned it, it would not stop Jandakot being used as an airport. That is not prevented by a change of nature. What prevents it is we have the right to use the Environmental Protection Act and the water legislation. That is the legislation that enables us to deal with the people and their activities on the land. It is not this legislation; all this does is set in place a process for approval

of change of use, or development. It also enables people to receive some form of compensation for it. It does not provide for the protection of underground water. That is done through other legislation. It provides for people to receive some form of compensation.

If the amendment is defeated by the Opposition - particularly by Hon Ken Travers who is keen for people to have some compensation - no compensation will be provided. His motion will deprive these people of any possibility of compensation because there is adequate legislation to prevent their activities if they in any way threaten the water levels. That is exactly how Mr Pollock was dealt with. He was not dealt with under any planning legislation; he was dealt with under water legislation.

Hon J.A. Scott: Mining legislation. He was mining sand.

Hon PETER FOSS: He had a soil mixing business. The concern was that he was bringing on sewage sludge.

Hon Ken Travers: Burying it and digging it up later.

Hon PETER FOSS: He was bringing it on. The point was not about what he was doing with it but how he was controlled. He was not controlled under planning legislation; he was controlled under the water legislation. That legislation enables the Government to control the activities above a water area. It does not provide compensation.

There are adequate statutory powers to protect all the water to which the member has referred; it has nothing to do with this reservation and there will be no compensation. The one thing that comes out of this amendment is an indication for the future. It will guide the way local government does its zoning and it will provide an avenue for some form of compensation. The compensation is as set out in the Metropolitan Region Town Planning Scheme Act and in the Town Planning and Development Act. No amount of statements out of a ministerial office will change those Acts. Either there is an entitlement or there is not. The entitlement comes when someone is adversely affected.

Hon Ken Travers: Compensation occurs through the local government town planning schemes.

Hon PETER FOSS: More likely so.

Hon Ken Travers: And they will be based on the statement of planning policy. They will have to conform with that.

Hon PETER FOSS: Yes, and they will have to conform with this. However, at this stage they are not adversely affected and at this stage there is no right to compensation because people have not been adversely affected. It is misleading for someone to tell people that he has been adversely affected and that he will not get compensation before he has been affected. This amendment is the first step towards providing people with the possibility of getting compensation. If this is struck out, we will be left with the water legislation and the Environmental Protection Act and neither of those provide for compensation.

Hon Jim Scott should support this amendment because its intent is for the planning legislation to reflect environmental considerations. This is the first form of environmental-type zoning that has been put into the metropolitan region scheme for environmental purposes.

Hon J.A. Scott: I do support it.

Hon PETER FOSS: Not only should Hon Jim Scott support it; he should embrace it and tell us that he thinks it is fantastic. He should be an enthusiastic supporter in the same way as his supporters are enthusiastic about it.

Hon J.A. Scott: I am concerned about the future of Perth's water supply.

Hon PETER FOSS: So am I and I am pleased that something is being done about it in planning for the first time.

I know that Mr Scott likes to take a negative view of life! He should try to adopt a positive view about this matter, because this is a positive issue. He should be supporting the Government and congratulating it. Every now and then it is a good idea to give plaudits when they are deserved and this is one issue which deserves them.

Hon J.A. Scott: I support some parts and not others.

Hon PETER FOSS: I have not heard many plaudits. I think the member should support the amendment.

Hon Ken Travers should also support the amendment because if he is interested in ensuring that people have opportunities to get compensation, the only way they will get it is through this process. It is a proper process because it will set up what will happen to that land in the future. He knows that the real effect of limiting people's capacity to use that land will not occur until the town planning scheme is introduced. When that happens, the member knows people will be entitled to compensation. They do not get compensation at the moment because they are not adversely affected.

I hope that everybody in this House supports the amendment and that somebody seeks leave to withdraw this disallowance motion.

HON E.R.J. DERMER (North Metropolitan) [9.04 pm]: I support the motion for disallowance. I believe the amendment in its objective is a worthy amendment. However, I support the motion for disallowance because the amendment fails to live up to its objective.

The introduction to the technical report entitled "Metropolitan Region Scheme Amendment No 981/33: Rural Groundwater Catchment Protection Zone" states -

The purpose of this amendment is to give statutory effect in the Metropolitan Region Scheme to some of the recommendations of the Select Committee on Metropolitan Development and Groundwater Supplies through the introduction of a new 'Rural Groundwater Catchment Protection' zone, located over the capture areas of the existing wellfield and its proposed extension on the Jandakot Groundwater Mound.

That is a worthy objective and an objective of great importance to every person living in Western Australia. It is important that the amendment be right for the protection of the Jandakot mound and the natural impact on the health and welfare of those who rely on that water for their existence. However, I do not believe that the amendment achieves that worthy objective. It is also important for the people whom I represent in the northern suburbs, because the way Jandakot is handled will have a direct bearing on the way Gnangara is handled. Under the heading "Determination of groundwater boundaries" the technical report continues -

Although satisfied reservations were needed to protect the important water supply resources in the Gnangara and Jandakot regions, the Committee felt the conservative approach of using cadastral boundaries for convenience was no longer appropriate.

I am of the firm view that this is exactly the circumstance in which a conservative approach is required, and I will explain that shortly. The report continues -

The Select Committee recommended groundwater protection boundaries be determined scientifically. It was agreed the use of groundwater modelling and capture zone analysis provide boundaries that would not be unnecessarily restricted development of land.

That is, boundaries that would not unnecessarily restrict the use of that land while at the same time ensuring the protection of the quality of the water on which people in the area depend. The report continues -

In its response to the Select Committee, the Government agreed with the need for a more accurate assessment of groundwater supply boundaries, and for the groundwater areas to be recognised and protected in the Metropolitan Region Scheme.

In accordance with the recommendations of the Select Committee, the Water and Rivers Commission has managed a study by consultants which included scientific definition of the groundwater supply boundaries for the Jandakot source. This study has now been completed and used to propose a groundwater protection zone under the MRS.

What are the objectives? Obviously, it is essential that this important water resource is protected for the people of Perth and no less for the people in the northern metropolitan area where a similar proposal is currently being examined for the Gnangara water catchment.

I am concerned that if decisions relating to the use of land above the water catchment are based on a scientific assessment of exactly what restrictions should be put in place, and if an appropriate buffer is not provided beyond the scientific assessment for the restriction, mistakes will be made. The first principle of any scientific endeavour is the uncertainty principle. We have to be prudent about the development of these plans and we have to be prudent when laying down the laws governing how land can be used above such vital water resources as Jandakot and Gnangara. We cannot misuse science to too narrowly define the restrictions to be placed on the use of that land and subsequently risk the contamination of the water by not allowing a sufficient margin for error.

Currently, at least 60 per cent of Perth's water use is groundwater, with 40 per cent of that being provided through the Water Corporation and the remainder through private bores. This proportion will increase. The residential development of the north metropolitan area is obviously running at pace and has been for some decades. Every day those people become more dependent on the prudent management of the Gnangara zone. The same principle applies to people south of the river with respect to the Jandakot zone. The message that must get through to the Minister and to the relevant authorities doing this work is that when they determine the restrictions on the use of the land above those mounds, they must not be obsessed with their own scientific assessments and place the minimum restrictions

on that land, but must account for the principle of scientific uncertainty and provide further restrictions as a buffer or margin for error to ensure prudence in the management of that water which is so vital to us all.

HON NORM KELLY (East Metropolitan) [9.11 pm]: The Australian Democrats do not support this disallowance motion, but we do fully appreciate the fact that it gives us the opportunity to debate the issue of ground water resources in the Perth metropolitan area.

Hon Tom Stephens: I thought the speech by the Attorney General would have given you good reasons to support the disallowance motion. I can understand that you might have had doubts before, but the Attorney General's reply should have convinced you.

Hon NORM KELLY: I will come to his comments later. The primary reason that this disallowance motion has been brought to the attention of the House is the problems that have been experienced by a number of residents in the Banjup-Forrestdale area with polluted ground water that they are drawing from their private bores. Many of those people are long term residents of the area and have based not only their residences but also their livelihoods on being able to utilise those ground water resources.

One of the public submissions made on the Jandakot ground protection policy was from a resident of Forrest Road, Forrestdale and detailed the history of pollution in the area. It states -

In the period 1975 to 1980 we were most concerned about the dumping of sewage and other waste matters in an area opposite our property in Rose Shank Reserve off Warton Road, Banjup. At that time we had the water tested and the results showed that it was not suitable for drinking or personal use. Many attempts were made to close the said site, and it was not until 1980 when the ground water become so polluted that we then had no option other than to enlist the help of Channel 9 to assist us in having that site closed.

Obviously in those days it was impossible to get the government authorities to take appropriate action and, as the submission states, they had to enlist other forms of support to effect change. I would like to think that in the 17 or 18 years since that action was taken things had improved, but it is obvious that the residents in the area are still not getting appropriate satisfaction from the Water and Rivers Commission in having their ground water tested and any problems with that ground water acted upon.

I appreciate that Hon Ken Travers has detailed the problems with pollution in that area. Those results are further borne out in a report from Australian Environmental Laboratories dated 23 October 1997, which details a metals analysis of the water in that area and notes exceedingly high levels of cadmium, copper, lead, zinc, mercury and chromium. It also notes a very high level of hydrocarbons, particularly hydrocarbons C₁₅-C₂₈ and C₂₉-C₃₆. I understand that subsequent testing of that water has not shown such a high level of hydrocarbons, but it is of concern that the delay in having this water tested again to verify the original results has created a lot of uncertainty for those residents. Their livelihoods depend on this water, so one would expect faster action from the commission in investigating any complaints. It is possible that because of the way that polluted water can flow into the aquifer, hydrocarbons may be locked into the soil and be released with the rise or fall of the aquifer. That could be the reason for the differences in the levels of hydrocarbons that have been reported in various tests.

This leads me to the problem of contaminated sites in general. The report of the Select Committee on Metropolitan Development and Groundwater Supplies states that the Perth metropolitan area contains over 700 known contaminated sites. It is difficult to find accurate information about the number of known contaminated sites on the Jandakot water mound area. I have done a fair amount of research on this subject, and it is interesting that the Water and Rivers Commission could not provide me with details of the number of contaminated sites on that mound. It referred me to the Department of Minerals and Energy, which had maps which could not be made available to me. It is clear that the general public does not have a freely and readily available process for obtaining this information. This matter should be addressed, because we are dealing with a precious resource, and we need to have more accurate knowledge of the extent of ground water contamination and contaminated sites, and further investigation of those examples of illegal dumping of which the locals in the area seem to be quite aware but the government authorities seem to be reluctant to investigate fully.

I turn now to some of the comments made by Hon Peter Foss about the consultation process. Hon Peter Foss referred to the Western Australian Planning Commission document entitled "Report on Submissions" with regard to metropolitan region scheme amendment No 981/33. He referred to pages 2, 3 and 4 of the report, which said that submissions were called for and were advertised in a variety of papers on a variety of dates; the amendment was available for public inspection in a number of places; a couple of hundred submissions were received on the amendment; the closing date for submissions was extended to allow further submissions to be accepted; and public hearings were conducted.

Unfortunately, although Hon Peter Foss quoted extensively from that report, he stopped a bit short, because a couple of paragraphs later we get to point 7.2.1, which is entitled "Insufficient Consultation". I will quote a few parts of the report which Hon Peter Foss did not get around to mentioning in his speech. This section of the report states -

Many submissions and presentations at the hearings were critical of the amendment process and raised concerns of insufficient liaison between the Government and the community.

Despite all the Government's efforts, of course! It continues -

In order to protect the drinking water supply a number of government agencies are charged with the duty of implementing the recommendations of the Select Committee. It is acknowledged that these agencies were not able to communicate properly to the community, the intentions, timing and inter-relationship of the various groundwater protection initiatives. The timetable set by the Government for processing the Amendment was such that it was difficult to satisfy all the information requirements.

This report, which Hon Peter Foss was happy to quote, was critical of the community consultation process. I am glad the report acknowledged that, even though the Attorney General did not. The report further states that -

The WAPC has followed the normal requirements of the major amendment process, as prescribed by the Metropolitan Region Town Planning Scheme Act. It should be noted that the process was brought forward at the request of the former Hon. Minister.

The action of a previous Minister upset the proper processes in the first place. The report continues -

It was originally intended that additional detailed information and draft policies associated with the Amendment would be released at similar times to that of the Amendment.

As was asked repeatedly by interjection, where was the planning policy when people were to make these submissions? It was sadly missing at the time. We hear repeatedly how good the community consultation and the government processes are. However, it is important that the correct type of community consultation take place, and that it is not just a facade whereby the Government says it has advertised extensively, heard submissions, and therefore done the right thing. The process must be deeper than that to ensure that people are empowered by the consultation process and feel they have received full information and their views have been heard. The report concludes at the end of this section -

Accordingly, it is concluded that raised concerns be noted.

That shows the limit of this so-called proper community consultation. As has been pointed out by previous speakers, there is a lot of pressure for development on all sides of the mound. The recent announcement of the sale of the Jandakot Airport highlights some of the development pressures that will apply in years to come.

I now look towards the future and ways in which plans can be made for not only this ground water resource, but also other ground water resources to be utilised in years to come. Members have mentioned the Gngangara water mound, but I will go further into the future requirements. The select committee report refers to other resources such as the Karnup and Dandalup ground water schemes, south of the Jandakot area. These areas have not been much developed at this stage but they have been identified as high value areas for future use of ground water resources. It is imperative that Governments of today protect those areas for future use if it is intended that Perth shall continue to develop in an unhindered way to exceed an area that is controllable. To that end, it is important that the Water and Rivers Commission should not have sole responsibility for investigating and proposing changes. It is important to allow other people with expertise to assist in that area.

Hon Simon O'Brien mentioned earlier the possible use of the hydrology department at Murdoch University to assist in assessing these future resources. However, it is too narrow a view to consider these areas only from the point of view of protecting water resources. It should involve a far wider assessment of not only the environmental impact of protecting these resources, but also the social impact. Consideration should be given to the landholders in these areas and the possible restrictions on their land use. It should be possible to avoid the problems currently being experienced in the Jandakot area. The process should get ahead of the demand for development and protect the areas accordingly.

It is imperative to get a wider study on these areas. The environmental sciences unit at Murdoch University is one resource. The study should include greater use of academic expertise in this State in areas such as community psychology when assessing the social impact of future land use changes.

I refer to a report released in 1985 by the Western Australian Water Resources Council entitled "Water Planning Issues in Western Australia". That report addressed the idea of future planning, and states -

For economic reasons, much of Perth's future water supply expansion . . . , will come from a northwards (and southwards) extension of the present public water supply areas. It is extremely desirable, and would certainly be good land-use planning, for the areas likely to be included in future public water supply areas to be identified now, and marked on Regional Planning Scheme maps. Rather than having water limitations impose constraints on uses of land after the creation of smaller lots, the preferable situation is for these constraints to be known before sub-divisional proposals emerge, and for land developments to be designed accordingly.

Once again it is a matter of the application of the precautionary principle to get in ahead of possible development of various kinds before the area is protected for water resources. The report also states -

It may be that this will require the creation of further sub-zones within the rural zone, and the identification of particular physical constraints or advantages for particular lands, but this is and always has been the way planning operates. The important requirement is for land-use planning to be ahead, in all details, of land development - essentially to pre-plan land use development.

That is the crux of the matter. The Government must be several steps ahead of the development push. That is not the case now. It is playing catch-up and trying to protect the Jandakot ground water area, which is polluted and contaminated. Although the water quality is generally good, it should not be regarded as a pristine site. People should not fool themselves that the quality of the water is better than it is. I reiterate that the Democrats will not support the disallowance motion because we believe in the moves to protect these areas in the way they have been put forward. However, as I stated, problems exist in the way they were undertaken. The Democrats will closely examine the way in which future developments such as the Gngangara mound are assessed. We appreciate the opportunity to debate this matter.

HON KEN TRAVERS (North Metropolitan) [9.30 pm]: One comment by the Attorney General has helped make up my mind on this issue. Certainly some of the comments by Hon Jim Scott and Hon Norman Kelly surmise the dilemma in which I see myself with this amendment. As I said when I moved this motion, I am caught between a rock and a hard place. If we knock this over we have nothing but the process which, until this point, has been less than satisfactory. The Attorney General's rebuttal of the arguments reaffirms the problems we face with this Government.

The Attorney General should examine the speech he made when he tabled this amendment on 17 September 1997. To tell me that the statement of planning policy has nothing to do with the metropolitan region scheme amendment and that it is outrageous to link the two is nonsense. He referred to that in his speech when he tabled the amendment. He said -

In addition to this amendment, the WA Planning Commission released a statement of planning policy for public comment last week.

A week before this amendment was tabled the residents of Jandakot were supposed to be able to understand the implications of this amendment. The Minister was right in that the MRS amendment does not do a great deal; it is a matter of how it is interpreted in the town planning schemes. That is where the statement of planning policy comes in. It is a shame the Government does not listen to its own advisers from departments such as the Ministry for Planning who felt that the MRS amendment and the statement of planning policy should have gone through together.

It is not as a result of what I have done that the residents do not understand this. It is what the Government has not done. The Government still has not answered the questions. This evening I raised a number of questions about the implications of this process. The MRS amendment is the first part of the process and I accept that other parts are to come. They should have all been brought into this place together. Nonetheless, the statement of planning policy will have implications.

The Attorney General did not answer my questions in this House tonight. When I asked questions of the Minister for Planning at forums and when the residents asked questions they were not given straight answers.

I accept that no compensation could be paid under the MRS amendment because it is not aimed at creating a reservation; it will create a zoning which will flow on. The issue of compensation will arise down the track. However, it is a shame that local residents were not given an opportunity to have an understanding of those issues. I urge members to re-read the quote I read earlier by the City of Armadale about the problems it saw as a result of the statement of planning policy being late. They should also read Hon Norm Kelly's quotes about the statement of planning policy being late. In the Minister's office and in the House tonight a number of simple questions were asked about the implications for a turf farm which exists in the area. It is nonsense to tell people not to worry about that but to pass the MRS amendment and let them worry about it at the end of the process. They should be able to understand it at the beginning of the process.

I am very concerned about the water mound, from both the environmental and the water consumption aspects. I would prefer to see this policy go further. The Attorney General showed his lack of understanding of the process when he argued that the Jandakot Airport was removed from the amendment because it was already zoned as an airport. That was the first I had heard of that. I am sure the Minister for Planning would be most interested to hear that argument. All his staff argued that the airport was exempt because it falls outside the capture zones. That highlights the lack of understanding of this issue by members opposite, with the exception of Hon Simon O'Brien, whose contribution I appreciated.

The most telling point the Attorney General made tonight - he was right - was that if this amendment is not allowed the residents will have even less certainty about what they will be entitled to. He is right that they will have fewer avenues for compensation, although those they will have will be limited as the amendment stands. However, they will have less certainty and I suspect they will find, as did the residents of the Pinjar area where this process is further behind, that mechanisms such as planning control areas and the Environmental Protection Act are used against them in an unfair and unprincipled manner. For those reasons unfortunately it is not a perfect process but it will give some certainty to the people in the Jandakot area.

Motion Discharged

Hon KEN TRAVERS: I move -

That Order of the Day No 1 be discharged and the motion be withdrawn.

Question put and passed.

**HEALTH SERVICES IN THE WESTERN AUSTRALIAN PRISON SYSTEM - REPORT BY THE
ATTORNEY GENERAL AND MINISTER FOR JUSTICE**

Statement by the Minister for Justice

HON PETER FOSS (East Metropolitan - Minister for Justice) [9.35 pm]: The appointment of Dr Michael McCall as Acting Director General of the Ministry of Justice was a major factor in creating a much needed reform blueprint in the areas of health services, risk assessment and prisoner development.

As part of this reform, resources for health services have doubled in just two years to a budget this year of \$8.6m. In one year the number of full time staff increased by 36. This includes the services of juvenile forensic psychiatrists Dr Dingle and Dr Komeda on a regular basis as well as other health professionals and consultants.

Prior to the formation of the health services branch, health spending was up to individual prison superintendents and included in their general budget. This arrangement was untenable and was subsequently abolished. In a relatively short time significant developments have taken place.

There is an holistic approach to health following the formation of an independent health directorate within the offender management division in July 1996. This brought all medical, nursing, psychiatric and other health personnel together working as a team. Western Australia now has the most comprehensive, scientifically based, "at risk" assessment process in Australia.

Following its introduction, last year the Ministry of Justice commissioned expert forensic psychologist, Professor Kevin Howells, to give a comprehensive, independent assessment of the treatment and care of "at risk" adult prisoners. Most of the 26 recommendations in the Howells report, received in mid-January, have been endorsed in principle. Some recommendations, such as clearly documenting lines of relevant accountability, have already been implemented. I seek leave to table the Howells report.

Leave granted. [See paper No 1485.]

Hon PETER FOSS: Last year 1 700 remandees at the C.W. Campbell Remand Centre were fully risk assessed. This included two screening test procedures generally completed within the first 24 hours.

This process is supported by forensic case management teams, which are in all major metropolitan prisons. The multidisciplinary teams are based on a scientific clinical model. Their role is to develop comprehensive management plans for each and every high risk or mentally ill offender.

Prisoners most at risk are those entering the system for the first time and usually through remand. Facilities and staff have now been properly organised to address this initial period and further improvements are being developed. Regular psychiatric clinics have been established in every metropolitan and non-metropolitan prison, including Karnet and Woorlooloo prisons. Local psychiatrists contracted to these clinics liaise with forensic psychiatrist Dr Ananth Pallela for any immediate consultations and advice.

Ongoing medical and nursing attention is available every day to every prisoner, which is a service more accessible than the services generally available to the rest of the community and, of course, is free.

The Ministry of Justice is working in close cooperation with a variety of health organisations and has commissioned several research studies to continue improving the delivery of health services within our prison system.

The Western Australian AIDS Council and the Hepatitis C Council are instrumental in the success of an educational and preventive program introduced at the end of last year. The program aims to reduce the transmission of blood borne viruses among prisoners and staff.

A Keeping Safe manual commissioned by the ministry has received strong positive feedback from prisoners. Health 'Exit Kits' are also available to all prisoners leaving prison. The program also includes free hepatitis B vaccinations, with the take-up rate by prisoners and staff at nearly 100 per cent so far.

Part of this initiative is the condom pilot program at Wooroloo Prison. Prisoners at Wooroloo have not obtained condoms due to confidentiality concerns. Further trials are about to commence involving supply via vending machines. It is hoped that the management and disposal of used condoms will complement these pilots.

In just two years the Ministry of Justice has implemented significant reform of health related services in our prisons and doubled its budget. The ministry is serious about addressing these problems and is committed to further improvement.

PUBLIC INTEREST DISCLOSURES BILL

Statement by the President

THE PRESIDENT (Hon George Cash): I have now had an opportunity to consider representations made to me soon after the Public Interest Disclosures Bill was introduced by Hon Jim Scott. The argument put to me was that the Bill falls within the prohibition set out in section 46(1) of the Constitution Acts Amendment Act 1899. Relevantly that section provides -

Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council . . .

Equally with my predecessors I am unwilling to strike down legislation under section 46 merely because it casts a statutory obligation on the Government or one of its instruments. However, a Bill which, were it to be enacted, requires expenditure additional to that already appropriated does offend against section 46(1).

It seems to me that the Public Interest Disclosures Bill breaches section 46(1). First, it requires public sector bodies, as defined, to perform functions or duties relating to public interest disclosures that are not required to be performed under the law as it is now. Second, part 4 of the Bill requires the creation of a new body within the umbrella of the Anti-Corruption Commission. Clause 18 makes it clear that the unit so established is autonomous and is to operate independently of other parts of the ACC.

In my opinion the provisions of the Bill relating to each of the matters I have described would involve public expenditure additional to that already appropriated. Therefore, I rule that the Bill cannot proceed and must be struck off the Notice Paper.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Second Reading

Resumed from 19 March.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.42 pm]: The introductory speech given to this House by the Minister handling this legislation is in part quite provocative. One of the reasons it is provocative is the claim made in reference to changes to the workers' compensation and rehabilitation regime operating in Western Australia under this Government. The Minister stated that this Government had introduced changes that had resulted in a fairer and more cost efficient system. It is the first part of that claim that I find provocative and controversial. I will explain why I view that as a false claim and a point that I need to respond to in this second reading debate.

The regime that the Workers' Compensation and Rehabilitation Act put in place was aimed at providing Western Australia with beneficial legislation for the workers of this State, in particular the injured workers of Western Australia. That regime came about in response to the reality that existed because employers and government had not adequately provided for the needs and interests of people injured in the work force. Legislation was put in place so

that all employees were insured by virtue of the requirement on their employer to have workers' compensation insurance.

Legislative changes in this and in other States have reduced the rights of workers. There have been some trade-offs in that process. I am familiar with the operation of comparable legislation in other States where weekly benefits have increased as part of those trade-offs in reducing the rights of workers for compensation in the form of lump sum payments. We have also seen a reduction in opportunities for lump sum payments for specific organs or limbs that have been affected or lost through injury in the workplace.

Workers' compensation insurance premiums vary from State to State. The aim of premiums that are in place in each jurisdiction is to respond to the need to compensate workers injured in the workplace. Throughout the Commonwealth of Australia unions in particular have been active in their efforts to ensure that workers' rights are protected in the face of injury. We have seen insurers focusing on their own future by wanting to ensure that their exposure to the injuries experienced by employees is either covered, or, unfortunately, reduced by amendments to the legislative regimes such as this and comparable legislation in other States.

The employer who has not ensured a safe workplace and has created the opportunity for injuries to occur for a worker is, in the eyes of the community and I hope of the Parliament and even the current Government, especially culpable and deserving of censure and increased liability for covering the costs associated with the responses to the injuries of employees across Western Australia. Regrettably, injuries to workers in the workplace are still common. It is the responsibility in the first instance of the employer to ensure that the opportunity for injuries in the workplace is reduced.

It is very important when we deal with the legislative provisions contained in this Bill that we do not do anything that diminishes those obligations. We must encourage employers to focus on their obligation to provide for a safe workplace through incentives. To some extent the premium will be the incentive for the employer. Reduced premiums become the carrot and other provisions of the Statutes in Western Australia become the stick that ensure that employers respond to their safety obligations and the right of workers to be employed in safe workplaces.

However, we should pause and take the opportunity to reflect on what we are dealing with when we discuss the issue of workers' compensation. As members who have been here for a while will know, this is one of the central policy areas that is always particularly sensitive for members of the Australian Labor Party as we respond to any proposed changes to legislation that was designed to protect the interests of workers. However, as members of the Labor Party, the Government or any other party, it is very important that we recognise how significant it is when a worker is injured, particularly seriously injured. The physical effect of the injury is one thing, but there is also an enormously debilitating and destructive psychological impact on such a worker, particularly if the injury has limited that worker's capacity to engage in the work force and in the life he enjoyed prior to the injury.

I hope all members have come across the needs of workers faced with this situation. I do not hope that there are many of these cases, but that as members of Parliament we have been sensitised by workers affected by such injuries. When one comes into personal contact with such injured workers one can better appreciate our obligation as parliamentarians to put in place a statutory regime that responds to their circumstances.

Such workers experience a loss of ego as a result of having to leave their workplace or reduce their role within that environment. Their role at work can often be an essential part of their being. The role of work is pivotal to many individuals in our community. There is a real loss of face as a result of falling out of the workplace and being reduced to unemployment. They are back in the home environment and no longer the breadwinner or having the significant role of producing the income that puts the food on the table or providing the support they had been providing prior to the injury. That is a devastating blow. When one sees the debilitated worker in that position one sees a person typically in a very critical state of reassessment of his worth to the community, to his family and to himself. There is a real task for the community - especially for its lawmakers - to respond to that sense of loss. Those people are in a very painful position. We should respond not only with rehabilitation strategies but also to the reality of that situation.

Finally, there is an obligation to ensure the worker is properly compensated for the loss of physical capacity. The State must ensure that workers are reasonably compensated. Why? Because a worker has rights. Why? Because the sense of public morality suggests that a worker has rights that should be enshrined in law and should be respected at law so that, when he is injured, the employer and the wider community, through the Government, are obliged to tackle the issue of that worker's loss and injury. A worker has rights; he is not a slave; he is not simply a unit in the economy, devoid of rights.

We have developed a public sensitivity, consciousness and morality that has enshrined in law a recognition of the rights of those workers. Too often in this State, particularly recently, we have seen companies, employers, insurers

and, indeed, the Government itself demonstrating a preoccupation with the bottom line - the financial aspect - and minimal preoccupation with the social reality of seriously injured workers. These workers are people. They are often parents, they are certainly citizens, and they are members of our local communities and of families. They have obligations and they need to be responded to with compassion and a respect for their rights.

I have stated previously that we must provide proper safety in the workplace. However, we must also ensure that the employer remains responsible for the damage that is caused to any worker, most especially when there is any culpability on the part of that employer. In all circumstances we must ensure that the employer has adequate insurance cover that guarantees compensation and support for those workers.

The State must require at law respect for the rights of those workers. We must ensure that we are not exposing them, and indeed their employers, to a system that is so complex and sophisticated that it benefits only the professions - the doctors and lawyers. We have an obligation at law to ensure that the system looks after the interests of those workers.

When we consider the role of review panels, who can serve on them and the opportunities for the panels' findings to be the basis upon which decisions are made, obviously we must be particularly sure that nothing is done to remove the opportunity for those workers to have their rights considered at law.

Debate adjourned, pursuant to standing orders.

House adjourned at 10.00 pm

QUESTIONS ON NOTICE

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

HOMESWEST - COMMUNITY HOUSING PROGRAM

474. Hon MARK NEVILL to the Minister for Finance representing the Minister for Housing:

- (1) What funds were used for the 102 projects on Homeswest document "Completed Community Housing Program Projects as at December 1994" under their group headings -
 - (a) Community Projects;
 - (b) Housing Collective Projects; and
 - (c) Local Government Projects?
- (2) Were Local Government and Community Housing Program funds from the Commonwealth States Housing Agreement used on these projects marked Local Government Community Housing Program projects?
- (3) Were Community Housing funds from the Commonwealth States Housing Agreement used on those projects marked Community Housing Program projects?
- (4) Were any other funds used on the 102 projects and if so, how much other funding was used and from what source on each project?

Hon MAX EVANS replied:

- (1)-(4) Homeswest is unsure of which document is referred to. If Hon Mark Nevill could provide a copy of the document to which he refers, the appropriate answers will be provided.

FLOOD MINIMISATION TASK FORCE - LITIGATION

695. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

With reference to the proposed task force on flood minimisation announced by the Minister for Water Resources in June -

- (1) Who is (are) the plaintiff(s) in the litigation pending against the Water Corporation and the Carnarvon Shire?
- (2) What is the nature of the claim of the plaintiff(s)?
- (3) Who are the solicitors for the parties?
- (4) Who is responsible for the management of the Carnarvon flood plain?
- (5) Under what legislation or arrangements does that responsibility arise?
- (6) What stage has the litigation reached?
- (7) What risk management strategies does the Shire of Carnarvon or the Water Corporation have to minimise their exposure to legal liability in respect of their activities in the Carnarvon flood plain region?
- (8) Who is the insurer for the Shire of Carnarvon and the Water Corporation in respect of these activities.?

Hon MAX EVANS replied:

- (1) Nuire Pty Ltd, the directors of which are the proprietors of the Carnarvon Caravan Park.
- (2) The plaintiff's claim relates to damage sustained to the Carnarvon Caravan Park and the plaintiff's business as a result of flooding from the Gascoyne river in March 1995. There are also claims relating to alleged false representations and an alleged failure to provide proper advice on behalf of one of the defendants, namely the Shire of Carnarvon.
- (3)

| | |
|---------------------------------|--------------------------|
| The plaintiff | Slater & Gordon |
| The Shire of Carnarvon | Corrs Chambers Westgarth |
| The Water & Rivers Commission | Crown Solicitor's Office |
| The Commissioner for Main Roads | Crown Solicitor's Office |
| The State of Western Australia | Crown Solicitor's Office |

- (4) Who is responsible for the management of the Carnarvon floodplain is very much at the centre of this litigation and, therefore, in dispute.
- (5) What legislation or arrangements give rise to that responsibility is also very much at the centre of this litigation and, therefore, in dispute.
- (6) The pleadings have closed and discovery has essentially come to an end. The parties will look now towards proofing witnesses and collecting expert evidence for use at trial.
- (7) The Water and Rivers Commission has taken appropriate steps to minimise its exposure to legal liability by taking all necessary action to reject the plaintiff's claim. In addition, in the event that the plaintiff's claim is successful, the commission has further caused to be issued a Notice of Contribution against the Shire of Carnarvon which, subject to any negligence by the Shire, seeks a contribution or a complete indemnity for the Commission against liability to the plaintiff. The shire of Carnarvon's solicitors should be contacted to determine their strategies to minimise their exposure to legal liability.
- (8) As the flood damage occurred in February 1995 any public liability claim for this event would be dealt with by the SGIC as insurer of the then Water Authority. Any professional indemnity insurance matters would be handled by the corporation's insurer H.I.H Winterthur Insurance. The Shire of Carnarvon should be contacted to determine their insurers.

PUBLIC SERVANTS - CLUB MEMBERSHIP FEES

762. Hon LJILJANNA RAVLICH to the Government:

- (1) Have any public servants in the departments under your control or within your office become members of The Western Australian Club or any other club and had their membership fees paid by the Government?
- (2) If yes, provide details of -
 - (a) the name of each person;
 - (b) the name of the club or clubs;
 - (c) the amount of the membership fees; and
 - (d) the source of the membership fees?

The answer was tabled. [See paper No 1484.]

FITZROY RIVER - MARKING OF DANGEROUS CABLES

895. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

I refer to five cables which are suspended across the Fitzroy River at Fitzroy Crossing -

- (1) Has the danger of these cables been drawn to the Minister for Water Resources' or the Water Corporation's attention?
- (2) If yes, by whom and when?
- (3) What action is being taken to have these cables marked so that they can be identified as a hazard to helicopter pilots?

Hon MAX EVANS replied:

- (1) There are no Water and Rivers Commission cables suspended across the Fitzroy River at Fitzroy Crossing. There are cables across the Fitzroy River at Dimond Gorge and across the tributaries at Margaret River, Leopold River, Hann River and Mt Pierre Creek.
- (2) Yes, by Mr Graeme Campbell MP on 28th November 1995.
- (3) The cable across the Fitzroy River at Dimond Gorge will be dismantled following the current wet season. The remaining cables have been or are being marked with large white balls.

GNANGARA PARK ADVERTISING WRAP AROUND ON COMMUNITY NEWSPAPERS

1083. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

I refer to question on notice 771 of August 26, 1997 in relation to the advertising wrap around on community newspapers in November 1996 -

- (1) Were any other bookings made with community newspapers to run advertising wrap arounds concerning the Gngangara Park?
- (2) If yes, on what date were these advertisements -
 - (a) booked and by whom; and
 - (b) run or cancelled and why?

Hon MAX EVANS replied:

- (1) The only bookings made for an advertising wrap around on Community Newspapers were those detailed in answer to question on notice 771 of August 26, 1997.
- (2) Not applicable.

SCHOOL EDUCATION BILL - REVIEW PROCEDURES

1250. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) How many public submissions did the Minister for Education receive on the *Education Bill*?
- (2) How many of these submissions were in respect of the review procedures for decisions made under the proposed Act?
- (3) Is the Minister intending to introduce a procedure to allow for independent review of decisions made under the proposed Act?

Hon N.F. MOORE replied:

- (1) 322.
- (2) 23.
- (3) In the period of public consultation following the release of the Green Bill, the Western Australian Council of State School Organisations (Inc) and a number of government school Parents and Citizens' Associations made submissions seeking a procedure for independent review of decisions by the Minister or an Education Ombudsman. Clause 211 of the revised *School Education Bill* contains such a scheme.

MEMBERS OF PARLIAMENT - MOBILE PHONE ACCOUNTS

1252. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What number of mobile phone accounts are paid for under the provisions of the Salaries and Allowance Tribunal determination for Members of Parliament?
- (2) What was the total cost of this reimbursement for 1996/97?

Hon N.F. MOORE replied:

- (1) 69.
- (2) \$80 163.71.

WESTERN POWER - QUALITY OF POWER

1255. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) How does Western Power measure the quality of power supplied to its customers?
- (2) What contractual or other assurances of power quality does Western Power provide to its customers?
- (3) Are those assurances different for customers in -
 - (a) metropolitan; and
 - (b) non-metropolitan areas?
- (4) How many complaints of inadequate or poor power quality has Western Power received from its customers in Carnarvon -
 - (a) to date in 1997; and
 - (b) in each of the years 1994, 1995 and 1996?

- (5) How does Western Power resolve these complaints?
- (6) Has Western Power paid damages or made any payments in respect of damage alleged to have been caused by poor power quality in Carnarvon since 1994?
- (7) If yes to (6) above -
 - (a) what payments were made;
 - (b) to whom were they made; and
 - (c) when were they made?
- (8) Does Western Power provide to its Carnarvon customers additional information above that provided to other customers on the effect of poor power quality on their electrical equipment and appliances?
- (9) If not, why not?

Hon N.F. MOORE replied:

I am advised:

- (1) Western Power uses line recorder equipment to measure voltage and frequency tolerances.
- (2) Western Power provides electricity under Section 16.25.1 of the SECWA Electrical Requirements which allows voltage of 240Volts +/- 6% and frequency of 50Hz +/- 2.5%.
- (3) No.
- (4)
 - (a) 1997 - 1 only.
 - (b) 1994, 1995 and 1996 - Nil.
- (5) Each complaint is investigated by a qualified Western Power Supply Systems Officer and if it is found that Western Power's equipment is at fault, action is taken to resolve the problem. In many instances the problem lies with the customers' equipment and they are advised to seek the services of an electrician.
- (6) Yes.
- (7)

| | |
|------|--|
| 1994 | 1 payment \$220 to Linton |
| 1995 | 2 payments \$20 to Civic Video, \$250 to Parcell |
| 1996 | Nil payments |
| 1997 | 4 payments \$70 to Carnarvon Close, \$500 to Gascoyne Photographics, \$1062 to White, \$3363 to Lyall. |
- (8) No.
- (9) There is no evidence of a poor quality of electricity supply in Carnarvon, so customers are given the same information as any other Western Power customers.

DENMARK HIGH SCHOOL SITE

1257. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

With regard to the delay in the decision for a site for the new Denmark High School -

- (1) Was a six member Site Selection Committee consisting of two Denmark District High School staff, two Denmark Shire staff and two Denmark P&C representatives established to nominate suitable sites for the new Denmark High School?
- (2) Did that Committee nominate two Denmark Agricultural College and one Brazier Street site but ask for Department of Education staff with the appropriate expertise and experience to make the final decision?
- (3) If not, what was the Committee's recommendation?
- (4) What was the reason for the Minister for Education requesting the Site Selection Committee to make the final recommendation?
- (5) When will the Minister make a decision on this issue?

Hon N.F. MOORE replied:

- (1) The Site Selection Committee was established to assess a number of possible alternative sites - some in private ownership and others in government ownership - and to make a recommendation regarding a preferred site.

- (2) The Agricultural College and Brazier Street sites were amongst the short-listed sites, however, there was no approach from the Site Selection Committee for Education Department staff to make the final decision.
- (3) The Site Selection Committee voted on the basis of 4 to 2 in favour of the site in Brazier Street.
- (4) A recommendation from the Site Selection Committee was sought to ensure local participation in the decision-making process.
- (5) It is hoped to make a decision on this matter next month.

METROPOLITAN REGIONAL PLANNING AUTHORITY - 444 SOUTH TERRACE, SOUTH FREMANTLE

1272. Hon BOB THOMAS to the Attorney General representing the Minister for Planning:

- (1) How did the Metropolitan Regional Planning Authority ("MRPA") come to acquire Number 444 South Terrace, South Fremantle (Portion Fremantle Suburban Lot 9 being Lot 16 on Plan 1203 C/T 1204/398) in 1981?
- (2) Why did the MRPA acquire this block?
- (3) For how long did it hold the block?
- (4) When did it sell the said block and what price did it receive for it?
- (5) What improvements had been made to the property and what zoning changes were made to the block?
- (6) What was the reason for selling the block?
- (7) How was the block sold and who was it sold to?

Hon PETER FOSS replied:

- (1)-(2) The former Metropolitan Region Planning Authority (MRPA) purchased 444 South Terrace, South Fremantle on 31 May 1982. The property was purchased as at that time it was reserved in the Metropolitan Region Scheme (MRS) for Controlled Access Highway - Roe Highway. The MRPA purchased the property from the then owners on compassionate grounds as one of the owners was seriously ill.
- (3) The property was owned by the MRPA and subsequently the State Planning Commission and Western Australian Planning Commission (WAPC), as successors in Title to the MRPA, for a period of 14 years from 31 May 1982 to 28 June 1996.
- (4) The property was sold by the WAPC on 28 June 1996 at a figure of \$295 000.
- (5) The property was initially offered for sale by public auction, on-site, on 13 March 1996 and was passed in with no bids being received. Following the auction the property was listed for sale with the auctioneer, Bonavita & Associates, and the property was subsequently sold to Jan Weiss & Associates Pty Ltd.
- (6) The improvements, an old timber framed house and outbuildings, were demolished in 1992 after the WAPC provided photographic evidence of the property and floor plans to the City of Fremantle. The property was rezoned in the MRS from Controlled Access Highway to Urban in 1991 via an amendment to the MRS. The land was subsequently rezoned in the City of Fremantle's town planning scheme to Residential R40 via a town planning scheme amendment.
- (7) The property was sold by the WAPC as it was no longer reserved in the MRS and was not required for any other public purpose.

MEEKATHARRA - ELECTRICITY SUPPLY

1290. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) What consideration is being given to inviting an alternative energy producer to the current provider, Western Power, to provide electricity to the township of Meekatharra?
- (2) If so, upon what basis is consideration being given to this proposal?
- (3) Will other population centres be affected by this proposal?

Hon N.F. MOORE replied:

- (1) The Government is giving no specific consideration at present to anyone other than Western Power Corporation being responsible for the provision of electricity to the township of Meekatharra. Western Power Corporation is obligated to supply such electricity under the Government's uniform tariff policy.
- (2)-(3) Not applicable.

ABORIGINAL LANDS TRUST - MEMBERSHIP

1293. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Who are the current members of the Aboriginal Lands Trust?
- (2) How many of these members have been appointed from the Goldfields region?
- (3) Has the Minister received representations from the Bega Garnbirringu Corporation in Kalgoorlie calling for the appointment of an additional representative from the Goldfields region?
- (4) Will the Minister respond positively to this call?
- (5) If not why not?

Hon E.J. CHARLTON replied:

- (1) Mr Cedric Wyatt, chairman
Mr Ian Trust, East Kimberley
Mr Eric Bedford, West Kimberley
Mr Barry Taylor, Pilbara
Mr Sandy Davies, Murchison/Gascoyne (Coastal)
Mr Preston Thomas, Goldfields
Mr Glen Kelly, South West
Ms Eileen Harris, Murchison/Gascoyne (Eastern)
Ms Elaine Stack, Metro/Wheatbelt
- (2) One.
- (3) Yes.
- (4) I have advised the Bega Garnbirring Corporation that I will refer the group's concerns to the Aboriginal Lands Trust for consideration. I have also suggested that the Corporation write direct to the Trust outlining its concerns.
- (5) Not applicable.

DENHAM/SHARK BAY DISTANCE EDUCATION CENTRE - FUNDING

1317. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) What capital funds will be made available to expand the facilities available for students and staff in the Distance Education Centre in Denham/Shark Bay in the current financial year?
- (2) If there is no funding in the current financial year, when does the Government propose to allocate this funding?

Hon N.F. MOORE replied:

- (1) No funds have been allocated this financial year to expand the facilities in the Distance Education Centre in Denham/Shark Bay.
- (2) The matter will continue to be considered in relation to the needs of other schools when the details of future capital works programs are being compiled.

GOVERNMENT DEPARTMENTS AND AGENCIES - REDUNDANCY PACKAGES

1319. Hon E.R.J. DERMER to the Leader of the House representing the Premier:

- (1) Will the Premier confirm the report in *The West Australian* of March 6, 1998 that "14 management initiated redundancy packages had been given in 1995/96 and 1996/97, and four this financial year"?
- (2) To which staff, in which Government departments or agencies, were each of these redundancy packages given?

- (3) On what date were each of these redundancy packages given?
- (4) Which of these redundancy packages were subject to confidentiality conditions?

Hon N.F. MOORE replied:

- (1) 1995-96, 15; 1996-97,13; 1997-98, year to date 5.
- (2)-(3) This matter is confidential between the employee and the employer, confidentiality being a condition of the offer. Such payments do not exceed a maximum of twelve months remuneration which is consistent with provisions in the Public Sector Management Act 1994.
- (4) 19 of these packages contained the confidentiality clause referred to in the report in "The Western Australian" of 6 March 1998.

DONOVAN RESEARCH PTY LTD'S CONTRACT - BUSINESS CASE

1326. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

Further to the answer given to question on notice 924 asked in the Legislative Assembly in relation to the Commerce and Trade Department's contract with the firm Donovan Research Pty Ltd worth approximately \$58 000 for the provision of export impediments study, can the Minister for Commerce and Trade advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company -
 - (a) when was the company formed;
 - (b) what is its share capitalization;
 - (c) who are the directors of the company; and
 - (d) are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1)-(2) No.
- (3) Not applicable.
- (4) Because of the relatively small value of the contract, this was not required. However, Chief Executive Officer and Ministerial approval was obtained.
- (5) Not applicable. The project was standard market research and no specific inherent risks were perceived.
- (6) The "in house" option was not considered because of lack of the appropriate resources.
- (7) Yes.
- (8) No.
- (9) Not applicable.
- (10)
 - (a) 1974.
 - (b) 250 000 \$1 shares
 - (c) Robert Donovan, Mark Francis, Malcolm Penwarden and Penelope Coase.
 - (d) No.

WA ABORIGINAL AND TORRES STRAIT ISLANDER GROUP TRAINING ASSOCIATION

1333. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

What steps is the Department of Commerce and Trade taking to assist the WA Aboriginal & Torres Strait Islander Group Training Association with its current operational difficulties?

Hon N.F. MOORE replied:

In September 1997 the Western Australian Aboriginal and Torres Strait Islander Group Training Association applied to ATSIC, through the Office of Aboriginal Economic Development in the Department of Commerce and Trade, for an ATSIC business grant of \$300 000 for working capital. During the assessment process, serious issues affecting the future viability of the association were identified. As a result, the Office of Aboriginal Economic Development arranged the appointment of an interim manager to review the operations and financial position of the Western Australian Aboriginal and Torres Strait Islander Group Training Association. During this period, close consultation was maintained through the Chairman and Board of the Western Australian Aboriginal and Torres Strait Islander Group Training Association and all actions taken were with their full approval. On 17 February 1998 the Western Australian Aboriginal and Torres Strait Islander Group Training Association Board decided that the organisation should be wound up, a liquidator appointed and the existing trainees transferred to Community Development Employment Program organisations to complete their traineeships. The organisation is now in the process of being wound up and the Western Australian Department of Training is assisting the transfer of the trainees to other training bodies.

D'ENTRECASTEAUX NATIONAL PARK

Destruction of Vegetation

1336. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware of scrub rolling within the area excised from D'Entrecasteaux National Park?
- (2) Is this destruction of vegetation, approximately 6% of the vegetation in the area, within the guidelines of normal exploration activity?
- (3) If these actions are outside the guidelines what action is the Government taking to stop this destruction of vegetation?

Hon MAX EVANS replied:

- (1) Yes. This is part of an ongoing exploration program which was approved following the Public Environmental Review in 1991.
- (2) Program No. 27 is a continuation of previous years of exploration work on the South Jangardup ore body and the National Parks and Nature Conservation Authority has been informed. The intensity of gridlines and level of disturbance is within normal range for final orebody definition.
- (3) Not applicable.

OLD GROWTH FORESTS

Access for Tourism Purposes

1338. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

- (1) Has the Government considered compensation for the tourism operators who depend on old growth forest as their base resource in cases when they are denied access to the forest resources or benefit from the forest as a visual resource for their business operations?
- (2) If the Government is not planning compensation how will this be communicated to potential tourism investors?

Hon MAX EVANS replied:

- (1) No. The forests are managed for a range of uses, including tourism. Conflicts between different uses are managed in a variety of ways including visual resource management, and redirecting activities to alternative areas of forest. Reservation and management of old growth for all its values is a key issue under the RFA.

- (2) Communication between the tourism industry and forest managers is ongoing through regional tourism associations, CALM District and Regional offices, contacts for licences and through RFA public information.

PSYCHIATRIC PATIENTS

Confidentiality of Records

1342. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

I refer to the confidential records of 543 psychiatric patients which were found dumped in a bin at Bentley car wash and to the internal investigation that was initiated by the Health Department or Public Sector Standards Commissioner -

- (1) Was any counselling or other support offered by the Department or Bentley Hospital to those patients who may have become anxious or upset about the disclosure of their confidential medical records?
- (2) Does the Health Department have in place a policy regarding the -
 - (a) handling; and
 - (b) disposal,
 of medical records?
- (3) If not, why not?
- (4) If yes, what is this policy?
- (5) Does the Department's policy apply to any private contractors which are involved in the record management process?

Hon MAX EVANS replied:

- (1) Both the Health Department and Bentley Health Service offered counselling to those current and former patients who expressed concern at the matter.
- (2) Yes.
- (3) Not applicable.
- (4) The Health Department's policies on the handling and disposal of medical records are set out in a number of Operational Instructions and in the publications, "Patient Information Retention and Disposal Schedule - Version 1 November 1995" Approved by the Library Board of Western Australia on 17 October 1995.
- (5) Yes.

JANGARDUP SOUTH MINERAL SANDS PROJECT

1345. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In relation to the Cable Sand Jangardup South Mineral Sands mining operation -

- (1) At what stage is the Department of Environmental Protection's ("DEP") assessment of the Jangardup South project?
- (2) At what date will the Environmental Review Management Plan ("ERMP") be put out for public comment?
- (3) Has the DEP requested in its guideline for the ERMP reporting on any conditions for acid sulfate soils?
- (4) Is the DEP aware of any testing for acid sulfate soils?
- (5) If so, what are the results?

Hon MAX EVANS replied:

- (1) Draft guidelines have been issued and comments received on the draft.
- (2) At this stage, the DEP anticipates the ERMP will be released for public review in September 1998.
- (3) The final guidelines will require information specific to acid sulfate soils, their potential impacts on the surrounding environment and proposed management of any potential impacts.

- (4) The DEP is not aware of any specific testing by the proponent for acid sulfate soils at this site.
- (5) Not applicable.

WA CHAMBER OF COMMERCE'S CONTRACTS

1412. Hon TOM HELM to the Minister for Finance representing the Minister for Services:

- (1) How many contracts does the WA Chamber of Commerce have with the State Government?
- (2) What is the total value of these contracts?

Hon MAX EVANS replied:

I thank the Hon. Member for some notice of this question and I am advised that -

STATE SUPPLY COMMISSION

- (1) The WA Chamber of Commerce does not have any contracts with the State Supply Commission.
- (2) Not applicable.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

- (1) The Department of Contract and Management Services is Principal to one contract, on behalf of the Department of Family and Children's Services.
- (2) \$614 946.00.

OFFICE OF MULTICULTURAL INTERESTS

- (1) The Office of Multicultural Interests has no contracts with the WA Chamber of Commerce.
- (2) Not applicable.

OFFICE OF YOUTH AFFAIRS

- (1) The Office of Youth Affairs has no contracts with the WA Chamber of Commerce.
- (2) Not applicable.

WA CHAMBER OF COMMERCE'S CONTRACTS

1413. Hon TOM HELM to the Minister for Finance representing the Minister for Services:

- (1) Which Government departments/agencies currently have contracts with the WA Chamber of Commerce?
- (2) For each department/agency -
 - (a) what is the nature of the contract; and
 - (b) the cost of the service provided?

Hon MAX EVANS replied:

I thank the Hon. Member for some notice of this question and I am advised that:

STATE SUPPLY COMMISSION

- (1) The State Supply Commission does not have any contracts with the WA Chamber of Commerce.
- (2) Not applicable.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

- (1) The Department of Contract and Management Services is Principal to one contract, on behalf of the Department of Family and Children's Services.
- (2) (a) Provision of an industrial implementation and advisory service for the community services industry.
(b) \$614 946.00.

OFFICE OF MULTICULTURAL INTERESTS

- (1) The Office of Multicultural Interests has no contracts with the WA Chamber of Commerce.
- (2) Not applicable.

OFFICE OF YOUTH AFFAIRS

- (1) The Office of Youth Affairs has no contracts with the WA Chamber of Commerce.
- (2) Not applicable.

WA CHAMBER OF COMMERCE

Government Grants

1414. Hon TOM HELM to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Has the WA Chamber of Commerce received any Government grant/assistance over the past five years?
- (2) If yes, for each year -
 - (a) how much money was given; and
 - (b) what purpose was the money given?

Hon N.F. MOORE replied:

- (1) Yes.
- (2)
 - (a) \$15 000 per annum over the past five years.
 - (b) The Department of Commerce and Trade's contribution to the Western Australian Trade Enquiry Service at the International Trade Centre.
 - (a) \$146 900 in 1993-94 and \$65 700 in 1994-95.
 - (b) For the development of Trade Match.
 - (a) \$2 500 in 1995-96.
 - (b) For activities funded under the East Java Sister State Exchange.

HOME SCHOOLED STUDENTS

Insurance

1424. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) Are students who are home schooled covered by the Education Department's Work Experience Personal Accident Insurance Policy?
- (2) Who is responsible for approving applications for coverage of home schooled students undertaking work experience?
- (3) How long does it take for such an application to be processed?
- (4) Can such an application be denied?
- (5) If so, on what grounds may the application be denied?
- (6) Is the Minister for Education aware of the denial of any applications for insurance cover?

Hon N.F. MOORE replied:

- (1) The Education Department's Work Experience Insurance is automatically applied to all students who are home schooled, provided the home schooling program has been approved by the Minister on advice from the District Education Office.
- (2) Work Experience Insurance is automatic for all students who have been approved for an home schooling program. Insurance cover is provided by the Insurance Commission of Western Australia.
- (3) Not applicable.
- (4)-(5) Insurance would only be denied if the home schooling program has not been approved by the Minister on the advice from the District Education Office.
- (6) Yes.

QUESTIONS WITHOUT NOTICE

BRUTALITY IN PRISON SYSTEM CLAIM

1321. Hon TOM STEPHENS to the Attorney General:

What is your response to the claim by Mr David Grant, the former head of the Ministry of Justice, that there is a sinister streak of brutality in the prison system in Western Australia as reported last night on the ABC's "Four Corners" program?

Hon PETER FOSS replied:

It is a broad generalisation which I think most members of the staff of the Ministry of Justice would rightly reject, and I stand by them. I do not for one moment say that among the individual members there are not people who have undesirable characteristics. However, I think it is a far too broad generalisation and I think most unfair to some very hard working people.

PRISONERS IN MEDICAL OBSERVATION CELLS

1322. Hon TOM STEPHENS to the Attorney General:

Does the Attorney General accept that prisoners who are placed in medical observation cells experience sensory deprivation and increased deprivation of liberty which in some cases increase the risk of self-harm? If the Attorney General does accept that these cells are inhumane and can contribute to the complete psychiatric collapse of a person, what steps is he taking to respond to that situation?

The PRESIDENT: Before I call the Attorney General, the first part of that question seeks an opinion. The second part seeks a statement from the Minister.

Hon PETER FOSS replied:

The problem I have is that the second question asks me something quite different. It assumes that I have formed a totally different opinion from that which he suggests. I do not accept all that he said they were and I have dealt with this matter. I have made statements in this House about the serious problem of how one deals with people who are likely to do themselves harm. They are either put into the general prison population where the presence of other people is a steadying influence, and where opportunities to do themselves harm is limited, or they are put in a position whereby they are prevented from harming themselves. However, depriving them of their liberty increases the risk.

Unfortunately, the risk of self-harm is one of the consequences of being gaoled. I do not believe there is a simple answer to this problem. It is not easy to deal with; it is a conundrum that I have raised in this House before. I believe it is one of the matters that has to be dealt with by our medical staff; however I do not believe that the underlying problem can be solved by taking away people's liberty.

ROYAL COMMISSION INTO POLICE FORCE

1323. Hon N.D. GRIFFITHS to the Leader of the House:

I refer to Order of the Day No 36 adjourned on 17 June 1997. When will the Leader of the House bring on this motion which calls for the establishment of a royal commission into the Police Force for further debate and resolution?

Hon N.F. MOORE replied:

I do not know when it will be debated. It has been on the Notice Paper since 17 June 1997. To the best of my knowledge, not one member has asked me to bring it up the Notice Paper. If the member is doing that now, I will contemplate his request. As we have found, it is not beyond the Leader of the Opposition's capacity to move motions to change the way Orders of the Day are dealt with.

QUALITY TEACHING PROMOTIONS

1324. Hon MURIEL PATTERSON to the Minister representing the Minister for Education:

- (1) How often will the Education Department make quality teaching promotions?
- (2) How many teachers received quality teaching promotions?
- (3) How many of those teachers are based in regional areas?

- (4) What selection criteria were used to identify those teachers who received quality teaching promotions?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The level 3 classroom teacher appointments for 1998 are part of an interim process which will be reviewed during the teachers' initial three year appointment. The decision concerning the frequency of appointments will be made after the review has been finalised.
- (2) At this stage, 226 teachers have been successful in the selection process and have been appointed to level 3 classroom teachers.
- (3) Of the 226 successful applicants, 169 are from the metropolitan area and 57 are from non-metropolitan areas.
- (4) The selection process was based on a competency based assessment. Successful applicants completed a two stage process. The first stage required applicants to submit a teaching portfolio demonstrating evidence of competency, and the second stage required completion of a reflective review.

COLONOSCOPY WAITING TIMES

1325. Hon HELEN HODGSON to the Minister representing the Minister for Health:

On Tuesday 17 March in reply to question on notice 3077 in the Legislative Assembly, the Minister was able to give approximate waiting times for a colonoscopy at Fremantle Hospital and Sir Charles Gairdner Hospital.

- (1) Can the Minister explain why the figures were not available for the same procedure at Joondalup Health Campus and Osborne Park Hospital in reply to question without notice 1312?
- (2) Can the Minister now supply the waiting time for a routine colonoscopy at the Joondalup Health Campus and Osborne Park Hospital?
- (3) What is the waiting time for general surgery at Joondalup Health Campus and Osborne Park Hospital?

Hon MAX EVANS replied:

I ask that this question be put on notice.

MINISTRY OF JUSTICE

Offender Management Division

1326. Hon MARK NEVILL to the Attorney General:

As of 5.00 pm on 30 March 1998 -

- (1) Can the Minister confirm which informal administration positions within the offender management division have been confirmed since 1 January 1998?
- (2) Which officers are occupying those positions currently?
- (3) Can the Minister confirm that these positions were contained in the structure recommended by the consultant Mrs Lesley Heath?
- (4) If not, why have these positions been confirmed now?
- (5) Is it intended to advertise these positions widely?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(5) I do not understand the term "informal administration positions". Mrs Heath was seconded from Family and Children's Services to review structures across the offender management division. At the time her secondment finished, that restructuring process was ongoing and still is. Mrs Heath made many recommendations in her draft reports and responsibility for reviewing those recommendations and finalising the structures was assigned to the Ministry's human resources branch. I would appreciate a clearer idea of what the member wants to know so that I can deal with his question adequately. Advertising of positions is subject to the ministry's recruitment and acting policies and public sector standards. I think one prison

has actually confirmed its acceptance of them but I do not believe the other prisons have and this still has to go back to the department.

CITY OF WANNEROO REPORT

1327. Hon GIZ WATSON to the Minister representing the Minister for Local Government:

In respect of the City of Wanneroo -

- (1) Has the Minister for Local Government received the report from the panel inquiring into the activities of the current council? If so, on what date did the Minister receive this report?
- (2) What is the duty of the Minister under the Local Government Act if the inquiry panel recommends reinstatement of the council?
- (3) If the inquiry panel recommends dismissal, is it the duty of the Minister to give a copy of the report recommending dismissal to suspended councillors? If dismissal has been recommended, has the Minister given a copy of the report to the councillors?
- (4) In relation to any proposal to split the Wanneroo Council, does the Minister intend to allow the community its democratic right, via the ballot box, in relation to such an action? If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. It was received on 12 February 1998.
- (2) Section 8.24 (4)(a) of the Local Government Act requires the Minister to reinstate the council if the inquiry has not recommended dismissal.
- (3) Whether or not the inquiry panel recommends dismissal, the Local Government Act requires the Minister to give a copy of the inquiry panel's report to the suspended councillors. The report will be provided to the councillors in accordance with the provisions of the Local Government Act.
- (4) The Minister advises me that he is satisfied that the community has had ample opportunity to express its views on the issue. The Local Government Advisory Board has undertaken a thorough assessment of the proposal to divide the City of Wanneroo, which included public consultation. The proposal was advertised in the *Wanneroo Times*, and public submissions were invited over a six week period. In addition, five public meetings were held to obtain community opinion about the proposal. The Minister considers that the consultation requirements in the Local Government Act provide for considerable community input.

HOSPITALS

Central Wait List Bureau

1328. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) Has a central wait list bureau trial, due to commence in July 1997, been initiated, and if so, how many patients are involved in the trial?
- (2) Have particular services been earmarked for transfer from tertiary to secondary hospitals, and if so, what are they?
- (3) Has any budget allocation been made for post-operative support in secondary hospitals with increased surgery provision?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The central wait list bureau was opened on 30 March 1998. The number of patients to be transferred from the non-teaching sector from the wait list is currently being determined.
- (2) Targeted procedures are identified as general surgery, ophthalmology, ear, nose and throat, orthopaedics, gastroenterology, plastic surgery and urology.
- (3) Payment to non-teaching hospitals for additional procedures includes normal post-operative care.

RESTRAINING ORDERS

1329. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the Attorney's claim in *The West Australian* of 24 March that Western Australia's new restraining order laws are being impeded by the entrenched attitudes of police and the courts towards the issue of domestic violence.

- (1) What are the entrenched attitudes to which the Attorney referred, and what evidence does he have to support his assertion?
- (2) Has the Attorney raised his concerns with the Minister for Police, and does that Minister agree that his officers are to blame?
- (3) What action is the Attorney taking to remedy the situation?

Hon PETER FOSS replied:

- (1) I will give the member some evidence supporting my views. However, I have some sympathy with some members opposite - I include Hon Cheryl Davenport, Hon Giz Watson and Hon Helen Hodgson in these comments - who during debate on restraining orders specifically indicated to me that the big problem we face is the change of attitude required in our community if both restraining orders and other stalking legislation is to be effective.

I give an example which I will keep anonymous: A woman's husband assaulted her in breach of a restraining order, and abducted her child, on a number of occasions. She found her husband at her home in breach of his restraining order, so she went to the local police station to ask the officers to attend. She was told to go home and have a Bushells. That is an indication of the type of attitude evident.

- (2)-(3) I do not want to go too much into the situation with the courts. Part of the problem is that the standard of evidence required in dealing with restraining orders is such that all too often a standard of behaviour is required which in itself would constitute an offence; that is, the courts will not act, and the police will not put matters up to the courts, on a breach of a restraining order unless in itself it admits to a charge for an offence. I have heard the term used "These are minor breaches of restraining orders." Frankly, there is no such thing as a minor breach of a restraining order.

I raised the issue with the Minister for Police. However, it is not a matter of whether he admits that his people are at fault as this is a community problem. It is not a matter only for individual police officers and members of the court; community attitudes need to change also. To pick out people and say that they are at fault is wrong. I have precisely tried not to do that. For too long, we have tried to blame people for getting it wrong.

The Minister for Police, the Minister for Family and Children's Services and I have agreed to set up a working party to identify where the legislation is seen to work properly. In other words, it will pick instances where we can see that the police, the courts and the support agencies, including non-government agencies, have combined to give a result which Parliament intended, and to develop that as best practice to encourage people to change attitudes.

This idea of belting people on the head for being at fault is the wrong approach. I am encouraged by some information which I have received from South Australia, which has tried to institute the best practice approach on this matter. I would rather not use the terms "fault" and "at fault". I would rather we set up, as we are doing, the working group to find the best practice and ensure everybody understands the needs of the legislation, including both the complainants and the respondents to restraining orders, so the system will serve the community well. People involved in the area all say it is not enough only to have legislation; we need to go further by changing attitudes through positive encouragement rather than laying blame.

URANIUM EXPORT

1330. Hon J.A. SCOTT to the Minister for Mines:

- (1) How many uranium deposits are likely to be developed in Western Australia in the next decade?
- (2) Does the department have an export strategy for uranium?
- (3) If no to (2), why not?
- (4) If yes to (2), which ports are being considered for the export of uranium?

- (5) Which modes of land transport will be used in each case?

Hon N.F. MOORE replied:

- (1) A number of uranium projects are currently under evaluation. Whether any developments proceed will depend upon market influences.
- (2) The Government's strategy is that potential uranium deposits may develop under the State's regulatory regime which is aligned to world's best practices. Exports will only be allowed in conformity with current safeguard provisions.
- (3) Not applicable.
- (4)-(5) No firm proposals have been provided to date which relate to the export of uranium.

CHILDREN WITH DISABILITIES

Respite Homes

1331. Hon RAY HALLIGAN to the Minister representing the Minister for Housing:

Homeswest is planning to open new respite homes for children with significant disabilities. Where are the homes to be located, and what Government agencies and/or community groups are to be involved?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The respite homes for children planned to be opened are to be located at lot 936 (4-6) Arnhem Court, Ballajura and lot 362 (28) Ida Street, Balcatta. These houses will be managed by the Cerebral Palsy Association of WA Ltd. The Disability Services Commission will provide recurrent support and disability aids and equipment; Homeswest will assist with the provision of land and construction; and the Lotteries Commission will provide furniture and white goods.

A third respite home for children located at lot 39 (61) Queen Street, Bentley was opened on 29 January 1998. Homeswest will also provide a respite house for children to the Autism Association of WA (Inc) which will be an established home. A house has not yet been identified. The Disability Services Commission, Homeswest and the Lotteries Commission are involved in this project.

In addition Homeswest has provided a respite house for children in Nollamara operated by Catholic Care, and one in Woodvale operated by the Autism Association. Two respite houses for adults are still to be provided for Rocky Bay Inc. Two houses in Shelley are currently under assessment for modification suitability.

GOVERNMENT MEDIA OFFICE

Services to Private Companies

1332. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

- (1) Does the Government Media Office provide media monitoring services and audio or video tapes of news items to any private public relations companies free of charge on a formal or informal basis?
- (2) If so, which companies have been receiving these taxpayer-funded services?
- (3) If the Premier is unaware of such practices, will he inquire into the matter and report back to Parliament?

Hon N.F. MOORE replied:

I regret that I do not have an answer to this question and ask that it be placed on notice.

PATIENT ASSISTED TRAVEL SCHEME

1333. Hon KIM CHANCE to the Minister representing the Minister for Health:

Is the Minister aware of the difficulties presently being encountered by the family of a 15 year old girl in Denham who is required to travel to Geraldton for paediatric physiotherapy, occupational therapy and speech therapy and is unable to obtain patient assisted travel? Can the Minister advise -

- (1) When will these services again be provided at the Carnarvon Regional Hospital?
- (2) Why patient assisted travel is not available to persons who require specialist therapeutic services of the nature described?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The problems alluded to are caused by vacancies in speech pathology and occupational therapy at Carnarvon Regional Hospital. Paediatric physiotherapy is available only in Geraldton. Both these vacancies have been advertised extensively and repeatedly. Attempts have been made to recruit from locum agencies. No date for having the positions filled can be given but attempts to recruit continue.
- (2) PATS cannot be used to provide assistance in this case as the services requested are not specialist medical services.

PRISONERS IN MEDICAL OBSERVATION CELLS

1334. Hon TOM STEPHENS to the Attorney General:

- (1) On what basis are prisoners in medical observation cells deprived access to any literature or written material, including the Bible?
- (2) Has the Minister approved that policy?
- (3) Does he approve of the policy?
- (4) If he does not, will he direct that the policy be reversed?

Hon PETER FOSS replied:

I request that the question be put on notice so that I can investigate whether the claims are correct.

WESTERN AUSTRALIAN REGIONAL TELECOMMUNICATIONS INFRASTRUCTURE FUND
COORDINATION GROUP**1335. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:**

I refer the Minister to his advice on 18 March 1998 that members of the Western Australian Regional Telecommunications Infrastructure Fund Coordination Group are required to declare a conflict of interest, either organisational or pecuniary, if and when a relationship exists between a member and an applicant to the RTIF.

- (1) To whom should a member declare such a conflict?
- (2) Is the fact that a member has made such a declaration reported publicly?
- (3) If yes, how is it reported?
- (4) If no, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The member declares such an interest to the chairman and members, including the Commonwealth's representative on the coordination group.
- (2) No.
- (3) Not applicable.
- (4) The proceedings of the coordination group are confidential between the Department of Commerce and Trade and the Commonwealth RTIF Program Office. However, it can be stated that to date there have been no cases of pecuniary conflict and three cases of organisational conflict. In each case the member concerned took no part in the group's consideration of the application concerned.

WORK RELATED INJURY CLAIMS

1336. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:

Of common law claims for work related injuries resolved since 1 July 1993, how many related to injuries that were suffered prior to 1 July 1993?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The information requested by the member is not available. However, the following information is provided to give an indication of the cost breakdown of common law claims by type. In 1996-97 the total cost of common law claims was \$70.6m. Of this total, 50.19 per cent, or \$35.44m, related to the cost of pre-1993 accidents. The cost of common law claims for the first half of 1997-98 was \$49.5m, of which only 24.3 per cent of the cost relates to pre-1993 accidents. Information from an insurer representing 20 per cent of the total compensation market indicated that of 1 741 closed common law cases since 1 July 1993, 1 258 at a cost of \$76.97m were pre-1993 accidents, while 483 at a cost of \$38.78m were post 1 July 1993.

WANNEROO HOSPITAL AUXILIARY KIOSK

1337. Hon KEN TRAVERS to the Minister representing the Minister for Health:

- (1) Has the kiosk run on a voluntary basis by the Wanneroo Hospital Auxiliary closed as a result of the privatisation of the hospital?
- (2) Is the Minister aware of the total value of equipment donated to the hospital during the 17 years that the auxiliary has operated the kiosk?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (2) No. The main reason was a shortage of volunteers.
- (2) Yes. The value is approximately \$240 000. However, some of the equipment is now quite old. All equipment is labelled and used for public patients only. The executive of the auxiliary has recently allocated its remaining funds to purchase equipment in the public paediatric ward, to the Red Cross and to St John Ambulance.

FITZROY RIVER INTEGRATED IRRIGATION PROJECT

1338. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect of the feasibility study into the development of an integrated irrigation project in the Fitzroy River and answers to question 75 -

- (1) Will the Premier table the memorandum of understanding?
- (2) If not, will the Premier inform the House as to the intent of the MOU?
- (3) Who is to finance the feasibility study into the development of an integrated irrigation project based on alternative sources of water?
- (4) What is the estimated cost of the feasibility study into the development of an integrated irrigation project based on alternative sources of water?
- (5) With reference to sources of water what is meant by the statement "ultimately surface water from the Fitzroy River Basin"?
- (6) Given the costs and time frame of two to five years associated with the feasibility study into the development of an integrated irrigation project based on alternative sources of water, has the Government given any commitment or undertaking to Western Agriculture Industries that any proposal submitted by the company at the end of the feasibility study will be -
 - (a) accepted;
 - (b) considered;
 - (c) evaluated; or
 - (d) rejected?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. However, I regret that I do not have an answer to it today.

STUBBS TERRACE HOSPITAL

1339. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Health:

- (1) Is the Minister aware that patients at Stubbs Terrace Hospital were admitted for a ten to twelve week treatment in October 1997 when it was known that the hospital would close in December 1997 before the treatment was complete?

- (2) Is the Minister aware of any patients who have not been readmitted to complete their treatment?
- (3) Were all patient files at Princess Margaret Hospital for Children over the closure period when patients had been directed there for emergency treatment?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I ask that it be put on notice.

CONTRACT WITH MR STOCKTON

1340. Hon BOB THOMAS to the Minister representing the Minister for Fair Trading:

Will the Minister now table the memos of 18 February 1997 in which Mrs Jenny Bunbury and Wayne Fanderlinden examined the ways of extending Mr Stockton's contract as a matter of urgency less than one month after his three month appointment?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Ministry of Fair Trading has advised the Minister that a member of the Opposition has lodged a freedom of information request with the Ministry of Fair Trading seeking access to all documents relating to Mr Stockton's employment and, in particular, the extension of his contract of employment. The request is currently being processed by the ministry. The Minister for Fair Trading intends to allow the appropriate procedures under the Freedom of Information Act to run their course rather than to release documents in an ad hoc fashion.

Point of Order

Hon KIM CHANCE: It is apparent that the member who asked the question has been refused an answer on the basis that an FOI application has been made. Either I have misunderstood the Minister or he has outlined a process which is an improper way of avoiding the question.

The PRESIDENT: The member is entitled to that opinion. It is not a point of order. The standing orders allow the member to take other action, if he wishes to do that.

Questions without Notice Resumed

MEDICAL OBSERVATION CELLS USE

1341. Hon TOM STEPHENS to the Attorney General:

- (1) Will the Attorney give a directive to the Ministry of Justice that medical observation cells are not to be used as a means of punishment for breaches of prison discipline?
- (2) If not, why not?

Hon PETER FOSS replied:

- (1)-(2) The Leader of the Opposition is making an assumption that the cells are being used for purposes of punishment. It is not appropriate for me to give a directive to people to stop doing something, if they are not doing it -

Hon Tom Stephens: Can you make sure that it is not being done?

Hon PETER FOSS: If the member wishes to ask me whether the cells are being used for the purpose of punishment I will make an appropriate inquiry -

Hon Tom Stephens: You don't watch television!

Hon PETER FOSS: I do not. Should the member wish to ask that question, I will make an inquiry and find out whether the cells are used in that way. I do not give directions that people should not do all the things they should not do - just on the off chance that they might be doing them.

Hon Tom Stephens: Prisoners are dying!

The PRESIDENT: Order! The Leader of the Opposition will come to order.

PRISONERS

Maintenance of Family Ties

1342. Hon MARK NEVILL to the Minister for Justice:

- (1) Do prisoners who maintain ties with their families and communities while in prison and after release have lower rates of recidivism?
- (2) Does the Minister encourage those ties?
- (3) Will a 750 bed medium security prison located at Wooroloo not be conducive to family visits so that prisoners can keep in touch with their partners, children and other family members?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) I would have to take that question on notice.
- (2)-(3) Members must understand that Wooroloo is accessible by public transport, whereas the transport to Casuarina Prison is quite poor.

Hon Mark Nevill: There is a bus from Fremantle twice a day.

Hon PETER FOSS: That meets the description of poor transport. Wooroloo is only a short distance further than Casuarina and currently has good access by car. There is also a bus. One of the useful points about locating a 750 bed prison at Wooroloo is that the economics of a bus service will become even more justifiable. I believe that Wooroloo will be more accessible for visitors than is Casuarina.

I note that Hon Mark Nevill suggested we should build a prison in the northern suburbs.

Hon N.F. Moore: Where does he suggest?

Hon PETER FOSS: I am not sure where - perhaps the proposed location of the Gngangara park.

Hon Tom Stephens: That is where the Minister wants to put it.

Hon PETER FOSS: I have never tried to put it there.

The PRESIDENT: Order! If members do not want to hear the Minister's answer I suggest he sit down and we can get on with question time. It is entirely up to the Minister.

MENTAL HEALTH SERVICES

Medicare Agreement

1343. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) Can the Minister guarantee that the \$5.2m provided for mental health services under the national mental health strategy will be provided under the new Medicare Agreement?
- (2) Will the particular demographic and geographic conditions in Western Australia be considered when determining the level of funding for the various States under the new agreement?
- (3) Can the Minister guarantee that the current level of investment in mental health services in Western Australia is maintained irrespective of the outcome of negotiations on the new Medicare Agreement?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Western Australian Government would be pleased for the Commonwealth to continue to provide this funding. However, whether the Commonwealth will be prepared to provide this funding is a question for the Commonwealth Health Minister. In presenting its Medicare funding offer the Commonwealth has so far indicated it will be willing to continue to contribute funds for mental health. Although it has promoted this part of the offer as being "new money", the mental health funds offered would merely be a continuation of the funding already provided under the current Medicare Agreement.

- (2) In negotiations with the Commonwealth the State will seek to have the State's demographic and geographic conditions reflected in the funding. However, it cannot guarantee that the Commonwealth will fully recognise the higher funding needs for this State.
 - (3) No. However, the State will do its best to maintain the current level of services.
-