



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 28 April 1998

Legislative Council

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

COUNTRY HOUSING BILL

Assent

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

REDEVELOPMENT OF VICTORIA QUAY, FREMANTLE

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 20 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 are concerned about protecting our maritime traditions and keeping Western Australians in employment. We believe that the plans being drawn up by the Premier's steering committee for the redevelopment of Victoria Quay are already being implemented without any public input or scrutiny. These plans will have a significant effect on the Port and the lives of Fremantle residents and workers. Furthermore, the non-renewal of Swandock's lease of the Fremantle Slipways creates a monopoly in this industry.

Your petitioners, therefore respectfully request that the Legislative Council will investigate and make recommendations to ensure that:

- . Changes made to Victoria Quay do not adversely affect the future expansion of Fremantle as Western Australia's principal metropolitan port.
- . Workers and leaseholders are advised of proposals affecting their future well before any decisions are made.
- . Two community representatives be added to the Premier's steering committee.
- . Open accountable processes are used in any redevelopment of Victoria Quay and the Premier's steering committee regularly reports publicly and receives submissions from the public.
- . Swandock Pty Ltd be given an extension to their lease of the Fremantle Slipways to allow them to continue their business and to maintain competition in this industry.

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

[See paper No 1556.]

ESTABLISHMENT OF REGIONAL PARK SOUTH OF GUILDERTON

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 181 persons requesting the establishment of a regional park south of Guilderton. [See paper No 1555.]

TRANSFORM WA POLICY

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 28 April -

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 Friday 1st May 1998 for the purpose of discussing the Transport Minister's recently announced policy entitled "Transform WA".

Yours sincerely

TOM STEPHENS MLC
Leader of the Opposition in the Legislative Council

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

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.39 pm]: I move -

That the House at its rising adjourn until 9.00 am on Friday, 1 May.

Again, the Minister for Transport has created a disgraceful situation in Western Australia, a situation which the people of this State should not tolerate. The presentation of the policy document "Transform WA" represents a very unhealthy preoccupation by the Minister. He continually seeks to slug the Western Australian community -

Several members interjected.

The PRESIDENT: Order! The Leader of the Opposition has the floor! He has limited time, and I want him to be heard in relative silence.

Hon TOM STEPHENS: The Minister for Transport has yet again delivered to the people of Western Australia increased charges under the public transport infrastructure of metropolitan Perth, effectively imposing a heavy burden on people who can ill afford it. At the same time, he has claimed that this is not a deliberate attempt to inflict extra imposts upon the people of Western Australia but has something to do with a decision of the High Court. That is in marked contrast with the statement made by his colleague, the leader of government business in the Lower House, Hon Colin Barnett, who explicitly told the people of Western Australia that the High Court challenge would not result in any diminution of road funding to Western Australia. The Minister for Transport tried to suggest that this shifting of the burden to the people of Western Australia was not the result of a decision made deliberately and callously by this Government but was somehow or other the result of action taken by some organisation that is removed from this Government; that is, the High Court. That strategy on the part of the Government is further evidence of its misplaced priorities.

Hon E.J. Charlton: Which one would you take off?

Hon TOM STEPHENS: We would certainly take off the Minister for Transport and put him in a new portfolio, because during the time that he has been in charge of, but not in control of, his portfolio, the cost of public transport has increased dramatically, and the Minister has displayed a most unhealthy preoccupation with tunnelling and bituminising as much of the metropolitan area of Western Australia as he can.

Hon E.J. Charlton: Which projects would you take off?

The PRESIDENT: Order! Minister for Transport.

Point of Order

Hon E.J. CHARLTON: Mr President, this may not be a point of order, and I know you will advise me very correctly, and I will accept your ruling absolutely, but I thought that in the context of the Leader of the Opposition's comment that this was an unfair burden, he would state which projects he would take off. As the Leader of the Opposition has limited time, it would be nice if he told us which projects he did not want.

The PRESIDENT: Order! The Minister for Transport, with his experience, knows that that is not a point of order. It is nothing more than wasting time. Points of order are very serious matters in the procedure of the House, and, if they are abused, it is up to members to work out what happens after that.

Debate Resumed

Hon TOM STEPHENS: I rely upon no greater authority than the leader of government business in the Legislative Assembly, Hon Colin Barnett, who made it quite clear in a speech in the Legislative Assembly that as a result of the decision of the High Court, there would be no overall reduction in the road funding that was made available to this Government. Therefore, it ill behoves the Minister for Transport to use that decision to justify his appropriation of additional resources from the people of Western Australia through increased charges for the users of public transport and the owners of motor vehicles in Western Australia. The State Government has acknowledged that it is receiving from the Commonwealth all of the 4¢ per litre fuel levy that it introduced in 1995 to fund its \$1b road program, yet three years down the track, it is seeking to foist upon the people of Western Australia a new and additional tax.

It is appropriate that the Minister for Transport is holding the large, glossy document that is supposed to embody the Transform WA sham that is being played out before the eyes of the Western Australian public. This large, glossy document that has arrived in people's letterboxes at great public expense - I think the figure was around \$400 000 - is nothing more than political promotion by this Government. It has nothing to do with providing the quality public

transport infrastructure that is so desperately needed in the Perth metropolitan area. This glossy document is designed to put a sugar coating upon the bitter pill that the community of Western Australia must swallow; that is, the increased charges that have resulted from the decisions of this Government. This State Government has picked up a windfall as a result of the Commonwealth's rearrangement of the alcohol and tobacco levies. That overall package should not have been used by this Minister for Transport to justify this new slug upon the owners of vehicles and the users of public transport in this State.

The Transform WA strategy is unbalanced. The Minister for Transport has shown no concern for the public transport infrastructure that is required in this large and growing city. The Minister's preoccupation with putting in vast tracts of bitumen and with expanding bridges will add to the already catastrophic situation, and it demonstrates no commensurate concern for the public transport infrastructure that must be provided by this Government. The effect of this additional slug will be to shift people away from public transport. It was suggested in today's *The West Australian* that people may be charged to use the public parking facilities at railway stations. I believe that was proposed by the Department of Transport -

Hon E.J. Charlton: No. That is what was suggested by *The West Australian* - typically!

Hon TOM STEPHENS: I hope the Minister is now saying absolutely and categorically, for what that is worth, that he will not impose a fee for parking at bus and railway stations. There has been some speculation, presumably fuelled by good sources within the Transport Department, that the Government is proposing to slug another section of the users of the public transport system of Western Australia.

This State Parliament deserves the opportunity of eventually censuring this Minister, but at the moment we will content ourselves with saying simply that Transform WA is a sham. Some elements of this road construction program are essential, particularly in regional Western Australia. However, the program is devoid of balance because it takes no account of the need to provide public transport infrastructure in metropolitan Perth. It also fails to address the need to shift freight off the roads of regional Western Australia and onto the sea transport lanes.

Hon E.J. Charlton: You are a joke!

Hon TOM STEPHENS: This Government has yet to implement realistic time frames for providing public transport infrastructure in the metropolitan area. It consistently talks about dates in the never-never - 2008 is one date that is talked about - but fails to do anything real or substantial to address the public transport needs of Western Australia. Members opposite cannot bring themselves to invest in the work that needs to be done.

HON KEN TRAVERS (North Metropolitan) [3.48 pm]: I found it amazing that when I went through this plan in detail, all I could get out of it was -

Hon Greg Smith: You could not believe how good it was!

Hon KEN TRAVERS: No. All I could see in it was a justification by this Government for yet another attack on the students and pensioners who live in the outlying areas of Perth. Let us look at some of the fare increases with which this Government has slugged the people whom I represent in areas like Merriwa and Clarkson. These people are struggling to get by. They have seen their concession fares for a four zone ticket increase from 60¢ in 1992 to \$1.70 in 1998-99. That is about a 183 per cent increase.

I can remember the Premier, before the last election, proudly telling us that the dams were overflowing and there would be a social dividend. This morning the Water Corporation told us that the dams were only one-third full. We are certainly not getting any dividend out of this Government. These massive increases are a straight out attack on ordinary working families who must use public transport. The Minister for Transport interjected about which projects we on this side of the fence would knock out. My suggestion is that he ask the people of Western Australia which projects they want to knock out.

Hon E.J. Charlton: You tell us.

Hon KEN TRAVERS: That is part of the problem. The Minister has never consulted anyone; he has never asked anyone.

The PRESIDENT: Order! Members are turning this debate into a joke. If it is not a serious motion, let us just get on with the other business of the House.

Hon KEN TRAVERS: I treat this issue very seriously.

The PRESIDENT: Order! So do I, and that is why I ask the member to address me, not the other members.

Hon KEN TRAVERS: When members on the other side have been in government, and not just this time but also

in the 1970s, they have shown a complete lack of support for the use of railways as a public transport mechanism. They closed the Fremantle line in the 1970s. For the benefit of members opposite, I refer to the 1955 Stephenson report, which I mentioned in my inaugural speech in this place. It made a number of comments about what would be necessary if Perth developed to a city of about 1.4 million. Perth is that size now.

It recommended increasing the use of railways to move people into and out of the central city. The Stephenson plan of 1955 recommended two additional railway lines. We have seen one, the northern suburbs railway line built by the previous Labor Government; however, we are yet to see the other to the north-east corridor. I suspect there have been a number of changes affecting the original plans of Stephenson which would require a third line to be built; that is, to Rockingham and Mandurah. When the Stephenson plan was presented, it was expected that the southern corridors would be feeding into a manufacturing industry based in Forrestfield, Welshpool, O'Connor and Kwinana, but that has not been the case. Many of the people in those areas are commuting to the city centre. There is a need to build a fast and efficient railway system there. Page 16 of the Stephenson report states -

It is considered essential that there should be a suburban railway system radiating from the Central Area . . . Frequent and fast suburban trains would greatly contribute to the relief of road congestion.

On page 130 the report states -

As the regional population and, consequently, road transport in its various forms increases, movement on the roads will become slower in the inner areas. With speedier rail services, using modern rolling stock, the railways will attract more passengers, relieve the roads of some part of the increasing volume of traffic, and reduce the need for extensive, expensive and disturbing road improvement works.

Back in 1955 Professor Gordon Stephenson was giving us an indication of the direction in which we should head. His words still ring loud and true today.

Although the Government's plan includes a number of road building projects, it does nothing to improve the rail systems in outer metropolitan Perth. I have been helping a constituent in the northern suburbs calling for an extension of the railway line to Merriwa, to which she has had an overwhelming response from the local communities. I hope to present that petition to the Parliament shortly.

As to the road building planned for the outer northern suburbs, apart from the suggestion of extending the Mitchell Freeway - that is a bit of a rehash - the only other proposal is a widening of Wanneroo Road, from Pinjar Road to Quinns Road. When the Minister prepared this plan, I wonder whether he looked at some alternatives, such as extending the Mitchell Freeway to Burns Beach and widening Wanneroo Road from north of Burns Beach Road; or extending the railway from Burns Beach Road to cater to the Merriwa-Clarkson people. From talking to people in that area my impression is that they want an extension of the railway line to Hester Avenue. Another alternative is to extend Connolly Drive and to connect it to an extension of the freeway.

The people in the outer northern suburbs do not want Wanneroo Road widened to a six lane highway through the middle of the townsite. Under this plan that is exactly what will happen. Wanneroo Road will have four lanes from Pinjar Road north; however, on south Pinjar Road there will be much more traffic. Suddenly there is a justification for a six lane highway going slap, bang through the middle of Wanneroo. I assure members I will do everything I can to fight that. Yesterday, I spoke to a gentleman at the Royal Australian Air Force Association retirement home in Merriwa who told me that pensioners want the railway system extended to that area, and they do not want to be slugged with an increase of about 183 per cent in their fares.

I noticed that last week the Premier indicated he wanted to see a debt free government by 2008. By the same token this plan will be funded by taking out 17 year loans. How can we be debt free in eight years when, according to the documentation I have seen, this plan will put us into debt for the next 17 years?

I am interested in the use of diesel powered buses. This Government is again applying double standards. It has refused to take on board gas powered buses because they involve new technology that must be proved up. Then the Government tells us it will use low sulphur buses. Members may not know this: Low sulphur buses not only involve new technology, but also have difficulty with fuel pump failure and reduced engine durability; they use more expensive fuel, and have an increase in CO₂ emissions as a result of the refining operation to remove the sulphur. I wonder whether the Government looked at those issues when it made the decision to go with diesel powered buses or whether it is applying one standard for the purchase of gas buses and another for the purchase of diesel powered buses. The gas powered buses have already proved themselves to be a viable alternative. As members will be aware, I drive a gas powered car, and I find it very reliable and efficient. Why is this Government happy to have new technology when it comes to diesel buses, but not what it says is new technology when it comes to gas buses? It is even wrong on that point.

This plan is nothing but an attack on the family, a glossy justification for road building works. The Government has gone out and said, "We want to slug the taxpayers in the Budget; let's do it through motor vehicle licences and increases in public transport fares." Then it asked how it could justify it. This document contains proposals which, just two months ago, the Minister told members of this House were not in the Government's 10 year plan. Suddenly they appear in this document because the Government must justify a massive slug on the families in the outlying metropolitan areas who are struggling to make ends meet, and the Minister should be condemned for that.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.58 pm]: This is one of the most pathetic performances by those in the Opposition. Their hearts are not in it. Obviously they are not presenting any facts. It is very difficult for them to justify it, so they have resorted to a political escapade by saying, "Here we are, the caring Labor Party, which has concern for the poor unfortunates in our society who are being hit by increased licence fees." Apart from that, those opposite have so far lacked any credibility in demonstrating any facts about which part of the program they would take out and what they would put in instead.

A very good example is their comments about gas versus diesel in the 130 buses we are buying. They did not go into the 750 we propose to buy. The decision on the next 750 is yet to be determined. Those opposite cannot wait. They want to make a commitment now to the taxpayers of Western Australia to buy gas buses, when the technology - as the member just pointed out - has not been conclusive. We will invite those opposite to be involved in an assessment of the first few gas buses that come along, and to compare them with an equivalent -

Hon Ken Travers: I have driven one.

Hon E.J. CHARLTON: The member drives his car with liquid petroleum gas.

Hon Ken Travers: I have driven gas buses.

Hon E.J. CHARLTON: I advise Hon Ken Travers not to talk about the current gas buses because it is very unfair on the gas option. They are unreliable and break down about 10 times more often than diesel buses; therefore services are lost and run late. The member is not interested in that because when the Labor Party was in power it ran off to do all the political things when it came to public transport; however, every year when the Opposition was in government public transport usage went down in the metropolitan area. For the first time in 15 years it went up by two million people last year. We have done everything wrong according to the Labor Party and *The West Australian*. They never give any credibility to that fact, not because of anything I have done, but because the transport professionals have put a system and a plan in place. We heard Hon Tom Stephens talking about the future and we must not have a plan, yet he and his colleague said what a wonderful man Professor Stephenson was because he had a plan that was 30 years ahead of his time. That is the hypocrisy that comes from the Labor Party.

Hon Tom Stephens: I just want the Minister to implement his plan.

Hon E.J. CHARLTON: When we talk about pollutants emitted by gas buses and when it comes to smog contributing components, the Euro 2 standard, which is set by the European standard, is higher than any other in the world. It has a rating of 7 allowable; diesel has 6.39; and gas has 2. Gas is the best when it comes to smog contributing factors. When it comes to emitted particles contributing to smog, the standard set by Euro 2 is 0.15; diesel is 0.109, which is only a percentage of what is allowable; and gas is better at 0.05. We never hear this from the Greens, the Democrats or the Labor Party. However, when it comes to the greenhouse effect, which is what the members of those parties keep telling me is the most important thing of all, the greenhouse standard is 1.1; diesel is 0.38; and gas is 0.5 - 30 per cent higher.

Hon Ken Travers: What sort?

Hon E.J. CHARLTON: HC effect on greenhouse.

When it comes to the other greenhouse gases, such as CO₂, the rating of Euro 2 is 4; diesel is 0.47; and gas is 2 - that is five times the detrimental greenhouse effect of a gas engine. They are not my figures. Our Government has relied on expertise around the world to determine our recommendation for what we should buy.

Hon J.A. Scott: I ask the Minister to identify the paper he is reading.

The PRESIDENT: The Minister is required to identify that document.

Hon E.J. CHARLTON: This is just a sheet that I specifically asked for from the department this morning to get information from the source. I will get the details of it. They are official figures as supplied by Jim Fitzgerald, the contract manager of fleet operations; they are not his figures.

Hon Norm Kelly interjected.

Hon E.J. CHARLTON: He has given it to me as a memorandum and it goes through a whole range of other things.

I will put in place an evaluation group representing the gas industry, the environmental lobby, and an operator of the vehicles, because we do not want to have a type of vehicle in the fleet that does not allow us to run an efficient transport system, because at the end of the day people could not care less what fuel is used; they want a vehicle that will turn up on time, run efficiently and provide a service. The member is on the wrong track and I encourage him not to listen to me or anyone else - which he will not do - but to talk to some experts who know, not people who have a biased, narrow minded perception.

The Leader of the Opposition has said that there is absolutely no need for this because we have the 4¢ a litre charge and there has been no reduction in that money. That is right. However, in the 4¢ program there was no \$2m for Aboriginal community roads, so should we scrub that one because we do not have the extra money? The Opposition does not want the widening of Albany Highway; it does not want passing lanes; it does not want the circle bus route, which is a new service linking Fremantle through to the Victoria Park station passing through the teaching institutions and the medical centres, so people do not have to come into town and then get on another bus and go back. He said there is no money in it for public transport, but there is a new initiative.

Hon Tom Helm interjected.

Hon E.J. CHARLTON: Hon Tom Helm has shown up! Hon Tom Helm has been writing some very significant letters to me asking whether the Ripon Hills road will be deferred. I was the one who instigated it and he wrote to me suggesting that I should get on with it. I do not have to be told to get on with it. He needs to tell his colleague over there, his leader -

Hon Tom Helm interjected.

Hon E.J. CHARLTON: We will do it. They do not want the road from Mt Magnet to Leinster sealed, a contract worth \$100m; they do not want the Wiluna to Meekatharra road; they do not want Mowen Road in the south west.

Hon Tom Stephens: How much is your tunnel costing you?

Hon E.J. CHARLTON: I suggest that members opposite are deliberately wasting time because they are not interested in the program at all.

Hon Tom Stephens interjected.

The PRESIDENT: The Leader of the Opposition will cease interjecting.

Hon E.J. CHARLTON: The difference between this side of the House and that side is that every cent of this money will go into an identified, predetermined road and public transport program.

Hon Tom Stephens: And television.

Hon E.J. CHARLTON: If people were left to read *The West Australian* or to listen to Hon Tom Stephens, they would never find out what this was about. People would think the only thing we were doing was widening the Narrows Bridge and that we thought nothing else counted. Here we have a program for all Western Australia and -

Hon Tom Stephens interjected.

Hon E.J. CHARLTON: I promise the member that if at the end of the day, when this program is completed and we have finished informing people of our program, we still get people saying they do not know where this money is being spent, what is in it for their area, and they did not receive the document that was inserted in the *Sunday Times*, I might just strongly recommend and authorise to send one of those documents to every household in Western Australia to ensure they get one. If that cost \$1m, that would be money well spent instead of listening to the fake arguments that the Opposition puts forward.

HON J.A. SCOTT (South Metropolitan) [4.08 pm]: It was quite timely of the Minister for Transport to talk about wasting the time of the Parliament, because the Minister is wasting the money of taxpayers of Western Australia with this Transform WA program. Currently 17 per cent of the gross domestic product of this city is spent on road programs, which is the highest in the world, and we now will see a substantial increase in that program and the percentage will be an even higher amount than that in any other city in the world, even Los Angeles, which comes in at about 12.8 per cent, compared to our 17 per cent.

Hon E.J. Charlton: Why do you not compare us with Bangkok?

Hon J.A. SCOTT: Bangkok's figure is just below ours.

Hon E.J. Charlton: It is above Perth's.

Hon Tom Stephens: That is when you look at things upside down like you do.

Hon J.A. SCOTT: But in Bangkok they are putting in roads for the first time. Quite often when I argue this case against these major road building programs, the Minister for Transport says that he is giving the people what they want. The survey conducted by the *Sunday Times* showed that 92 per cent of people polled about the Minister's plan said they wanted less money spent on roads and more spent on public transport.

Hon N.F. Moore: What was the question?

Hon J.A. SCOTT: They were asked whether they wanted money spent on roads or public transport. If the Opposition had not moved this motion I would have raised the issue of gas buses myself. I cannot remember the precise figure, but more than 80 per cent of people who were polled wanted gas buses rather than diesel buses. Those people are well informed.

Hon E.J. Charlton: No, they are not, because Hon Jim Scott keeps misleading them.

Hon J.A. SCOTT: The Minister talks about misleading people. Let us consider the Minister's record. The Minister's department has made a number of claims; for instance, gas prices in Western Australia are twice those in the eastern States. AlintaGas stated that it had offered to supply gas to the department at a price that was within a fraction of a cent of the price in the eastern States. AlintaGas also stated that the cost of refuelling points would be part of that cost. Those are two of the Minister's untruths. The Minister also said that Euro 2 buses utilise cleaner technology and result in lower greenhouse emissions than do gas buses. However, Euro 2 buses operate in Europe where fuel contains a lower amount of sulphur dioxide than does fuel in Western Australia. It is interesting that the buses the Minister has purchased will not operate in the same way, because diesel fuel in Australia does not contain 300 to 500 parts per million of sulphur; the Australian standard is 5 000 parts per million. The catalytic converters and particle traps on the Euro 2 buses will not work with that amount of sulphur; therefore, if the Minister does not deal with the sulphur content of our fuel, it does not matter how good the technology is.

The Minister failed to mention the other problems. Greenhouse gas emissions are only one aspect of the problems and difficulties exist with smog particles. We know already that diesel produces more carcinogenic products than does gas.

Hon E.J. Charlton: You have never acknowledged that the greenhouse emissions will be less.

Hon J.A. SCOTT: That is because that is not true. The Minister's figures are different from everyone else's. I have figures on greenhouse emissions.

Hon E.J. Charlton: We know where you get yours.

Hon J.A. SCOTT: Yes, unlike the Minister's figures, mine come from the best scientific sources. The Minister also states that the gas technology has not been tested, yet San Francisco, New York and other cities in the United States are replacing their bus fleets with gas buses. As a result of extensive testing they have found that gas buses produce lower levels of greenhouse emissions and other pollutants than do diesel buses.

Hon E.J. Charlton: If they are so good why do they represent only 1 per cent of the world's bus fleets?

Hon J.A. SCOTT: The small particle emissions from diesel are responsible for huge numbers of deaths in the United States. The particle traps in diesel buses will not work on Western Australian diesel. The Minister also claimed that diesel would be purchased specifically for these buses. I remember his saying that. That fuel will be more expensive, so the Minister's whole economic package goes out the window and diesel buses will not be cheaper than gas. Fuel for diesel buses will be twice the cost of fuel for other buses. In three to five years the higher fuel costs will offset the difference in the purchase prices of gas and diesel buses. The Minister then referred to the resale value of gas buses. All that indicates is that gas buses do not have a record of resale because they have not been around for long. Gas bus engines have not worn out yet.

Hon Simon O'Brien: It is about \$4 000 a year.

Hon J.A. SCOTT: Furthermore, the tests that have been conducted in Western Australia were based on converted standard motors rather than purpose built gas motors. It is not a proper test at all.

Hon E.J. Charlton: That is why I am inviting you to be part of a review of the new buses.

Hon J.A. SCOTT: The United States, Europe, Sydney, Melbourne, Adelaide, and Brisbane have opted for gas buses because they care about their populations, but not Perth.

Hon E.J. Charlton: Do you know what the sales ratio is?

Hon J.A. SCOTT: The Minister is pretending that those places have not done their research and worked out the best options. They know what is the best option because they have done their research. The Government has not done its research. It is rushing into purchasing diesel buses without properly addressing the issues. On top of that the Minister is making wild and untrue statements about the cost of diesel compared with the cost of gas. Why has the Minister made these statements in view of what AlintaGas has said? I telephoned AlintaGas straight away to confirm its offer, because I did not believe the report in the newspaper. AlintaGas advised me that it had offered to sell gas at the same price as it is available for in the eastern States.

Hon E.J. Charlton: Has it?

Hon J.A. SCOTT: The Minister should provide us with a few facts instead of his nonsense, so we can make proper decisions.

More and more diesel vehicles are operating on our roads. The Perth smog study identified that 70 per cent of small particles came from diesel engines, even though diesel vehicles do not represent the largest proportion of vehicles in the city. That is an astounding figure, and the Minister should consider the number of people who have died as a result of exposure to small particle matter in other countries where studies have shown it is extremely dangerous. If the Minister wants to find out the truth about particle traps in catalytic converters I can provide him with articles from *New Scientist*.

Hon E.J. Charlton: The new motors do not need catalytic converters.

Hon J.A. SCOTT: They need clean fuel. The Europeans are working towards reducing the levels of sulphur to 10 parts per million - that is virtually no sulphur. Norway has reduced the level to 30 parts per million.

Hon E.J. Charlton: Exactly. Did you know they also add other fuel components to diesel?

Hon J.A. SCOTT: The Minister has made another misleading statement. The Minister has purchased buses with the Euro 2 motor because the Euro 3 is still in the test phase.

Hon E.J. Charlton: You cannot buy the Euro 3, you silly man.

Hon Ljiljanna Ravlich: That is not on; that is pathetic.

The PRESIDENT: Order! I do not want personal attacks. Hon Jim Scott should address the Chair.

Hon J.A. SCOTT: The fuel in Europe has a lower sulphur content than that in Australia, thus in Europe these vehicles can operate without polluting the air and killing people. The Minister should stop wasting taxpayers' money and start examining his priorities so that this State can reduce hospital waiting lists and not waste money on grand road programs.

HON GREG SMITH (Mining and Pastoral) [4.18 pm]: I would like to congratulate the Minister for Transport on his policy.

Several members interjected.

Hon GREG SMITH: Members opposite want to spend the money. None of them has said that the Government should not raise the money. They want to spend the money to build train networks and purchase buses, everything but a road system.

Hon Tom Stephens: We are not keen on the tunnel.

Hon GREG SMITH: I would not suggest that more vehicles will use the Mt Magnet to Leinster road in a month than will use the tunnel in an hour, but to say that the tunnel is a waste of money is a silly statement. I congratulate the Minister for Transport for having the foresight to acknowledge that we need these roads. Since I have been involved in politics, people in Mt Magnet have wanted this road. However, it is the same old story: Someone must pay for it. It will cost \$100m, and we cannot pull that money out of a hat. The people of Mt Magnet and Leinster are excited about the Transform WA proposal. Members opposite should try to tell someone at Sandstone that an extra \$100 a year registration fee for their four-wheel drive will cause them problems when it means they will be able to drive on a bitumen road all the way to Mt Magnet. That will save them about \$2 000 a year in maintenance costs.

Several members interjected.

The PRESIDENT: Order! The problem with the interjections is that members make it very difficult for Hansard to do its job. They might not care about Hansard, but I do. Please stop interjecting.

Hon GREG SMITH: The Tom Price to Port Hedland road is listed in this pamphlet. I do not think it was on the 2020 plan; it is proposed to be fixed. If members spoke to people at Tom Price they would discover that those people are not concerned about the extra registration they must pay. The increase is only \$30 for a Commodore and \$100 for a four-wheel drive. Anyone who can afford a Land Cruiser for use as a family car can afford to pay the extra \$100. Rather than driving all the way to Nanutarra and back to Karratha or through the Karijini Ranges to Newman, the new route will save them that \$100 in the first six months.

Hon W.N. Stretch: It is less than the cost of one punctured tyre.

Hon GREG SMITH: I thank Hon Bill Stretch. Many people travelling from Tom Price to Karratha use the service road along the railway line. As a result, many people have had accidents and been injured on that road.

Hon Mark Nevill: You are dead right, and your Government closed the Wittenoom airstrip. That will cost lives too.

Hon GREG SMITH: I commend the Minister for Transport for having the courage and the foresight to implement this proposal. Members opposite would do the nice things. They would not say that the community must pay for it; they would run up more debt. Their view is that our children and our grandchildren should pay for it. That is the way they operated federally and in this State. This Government will not do that.

Hon Ljiljanna Ravlich: This Government is going to borrow \$300m.

The PRESIDENT: Order!

Hon GREG SMITH: Those borrowings will be fully funded. When the Opposition gets into government it can borrow and spend all the money this Government has saved.

Hon Derrick Tomlinson: They will spend money but they will not build a single road.

The PRESIDENT: Order!

Hon GREG SMITH: Even if we spend money on a railway line from Mandurah to Perth, we would still have to spend money on the roads.

Hon Derrick Tomlinson: And it will still lose \$20m a year.

The PRESIDENT: Order!

Hon GREG SMITH: I am very pleased with this proposal. It includes money for the outback highway from Laverton to which we hope to add some centenary of federation funding so that it can join Perth to Brisbane. It should interest the Greens (WA) that aluminium cans for recycling must be transported to Gladstone in Queensland. New roads will make that transportation more economical. Arnott's biscuits come from Queensland. When the outback highway is complete Arnott's biscuits should be cheaper.

Hon Norm Kelly: We should generate a biscuit making industry of our own in Western Australia.

Hon GREG SMITH: If Hon Norm Kelly can find people interested in making a biscuit factory he can do that any time he likes. If Hon Tom Stephens is game enough to run down this plan, I challenge him to go to Mt Magnet -

Hon Tom Stephens: Do you support the increased charges on the taxpayers of Western Australia?

Hon GREG SMITH: I do because people will get something for their money. No-one minds spending a dollar when they can see what they get for it. I challenge him to tell the people of Mt Magnet that he does not want them to have the Mt Magnet to Leinster road.

Hon Tom Stephens: I do; but I do not want to increase taxes.

The PRESIDENT: Order! The Leader of the Opposition has had his turn.

Hon GREG SMITH: He wants to spend the money, but he does not want to raise it.

The people of Gascoyne Junction will be happy to pay the extra \$100 a year for their registration because they will be able to drive to Carnarvon to do their shopping. They will probably save \$100 each trip.

Hon Tom Stephens: What year is that?

Hon GREG SMITH: I cannot find it, but it does not matter. This document provides a plan. The challenge to members opposite, should they fluke a win at the next election, is to follow through with the Transform WA project. This has excited people in my electorate; they are ecstatic about it. I dare members opposite to tell people in my area that they do not need those roads.

HON LJILJANNA RAVLICH (East Metropolitan) [4.25 pm]: The Minister for Transport said people on this side of the House were pathetic. I will tell people what is pathetic. This Government has not made a cracker out of privatisation and contracting out. It must fund the Transform WA program from an increase in registration fees. That is pathetic.

Hon E.J. Charlton interjected.

Hon LJILJANNA RAVLICH: The Minister for Transport may well laugh but no benefit has accrued to Western Australian taxpayers as a result of the contracting out agenda. If there had been some benefit, the money would have been diverted into road building. There are no profits and there is no social dividend. The Western Australian public has been conned and this Minister and this Government know it. The Government talks about financial priorities and debt reduction. In the same breath it talks about borrowing \$300m in the first two years of the Transform WA program.

It talks about debt reduction when it cannot explain why there are insufficient hospital beds for sick Western Australians awaiting hospital treatment. Debt reduction is this Government's priority. It talks about debt reduction as its priority when it wants to close down schools. All of a sudden this Government talks about building programs, abandons the debt reduction program and goes on a borrowing spree. If ever there was a hypocritical Government, it is this one and it is pathetic.

In response to people's comments about the increased registration fees being a slug on motorists, the Minister was recently reported in the newspaper as saying, "As a matter of fact, it is quite the reverse; it will save money." He said that every dollar the average Western Australian spent on higher registration fees will save them \$7 in less travelling time, fewer accidents and decreased pollution.

I would like the relevant documents tabled in this place. I want to know how the \$7 saving has been calculated. I would be extremely interested because this Government cannot even work out a cost benefit analysis on a multimillion dollar project while it is feeding this nonsense to Western Australian people. If the Minister has done his sums on this he should be able to table the relevant documents and advise how that \$7 saving has been calculated.

Transform WA is supposed to be such a great program but even the Western Australian Chamber of Commerce and Industry has expressed concern about it. The WACCI is a major supporter of the Western Australian Liberal Party, yet it is expressing concern because it knows it is fraught with problems.

The Minister is trying to divert us to some argument about which roads should not be built: It is a nonsense argument. Higher priorities, such as health, exist in this State.

Hon E.J. Charlton: Which one would you take out?

Hon LJILJANNA RAVLICH: The Government has neither consulted nor considered the option of rail transport. It has done its own thing, and expects Western Australian taxpayers to pick up the tab. This is an appalling Government. We recently considered the Environmental Protection Act regarding the need to reduce the number of wood fired heaters in use to reduce air pollution. In the meantime, the Government announces that it will build 37 roads throughout the State. What an absolute joke! If members opposite think that the Western Australian public are that dumb, they should think again - they are not.

Hon E.J. Charlton: They do not think like you do.

Hon LJILJANNA RAVLICH: The Minister cannot tell me that by paying \$300 in increased taxes and charges, and then receiving \$7 back, I will be better off.

Motion lapsed, pursuant to standing orders.

SUPREME COURT AMENDMENT BILL

Second Reading

Resumed from 11 March.

HON N.D. GRIFFITHS (East Metropolitan) [4.34 pm]: This Bill of some significance has the support of the Australian Labor Party. Page 1 contains the short title, and page 2 contains the commencement provision and operative clause 3. This will amend section 167 of the Supreme Court Act, which relates to the rule making power of judges of the Supreme Court for the purposes outlined. Section 167(1)(d) states that rules may be made -

For regulating any matters relating to the costs of proceedings fixed by determinations under section 58W of the *Legal Practitioners Act 1893*.

That section refers to the Legal Costs Committee making determinations on the remuneration of practitioners on matters listed in that section. Proposed section 167(1)(da) has the following effect -

For prescribing or regulating any matters relating to the costs of proceedings, where those costs are not the subject of a determination under section 58W of the *Legal Practitioners Act 1893*.

Essentially, the proposed changes will enable matters which are on occasions the subject of argument to be resolved by prescription by setting maximum and minimum rates. I note that the second reading speech places emphasis on some witness fees, service of process and matters of that kind.

HON HELEN HODGSON (North Metropolitan) [4.36 pm]: I approached this Bill by considering matters previously debated in this place relating to Supreme Court fees, and I considered whether the Bill would cause any problems and increase the cost of justice for people accessing the Supreme Court. I decided that this measure will not cause any such problems.

The Bill will ensure that matters that are not subject to determination under the Legal Practitioners Act can still be the subject of orders in respect of the cost of proceedings. These amounts will still be paid by the client in the case, and it will be a matter of allocating the cost to the appropriate party. I see no problem in expanding the list of items costed under section 58W, and the amendment will include additional matters and ensure that the cost follows the guilty party. For that reason, the Australian Democrats are pleased to support the Bill.

HON J.A. SCOTT (South Metropolitan) [4.37 pm]: The Greens (WA) also support this very sensible Bill which will make the workings of the Supreme Court more efficient.

HON DERRICK TOMLINSON (East Metropolitan) [4.37 pm]: The amount of time devoted by the House to a Bill is a measure of the legislation's significance.

Hon N.D. Griffiths: Here comes a filibuster.

Hon DERRICK TOMLINSON: This clearly is a Bill of tremendous significance as a sum total of 554 words have been spoken on it. I commend it to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Assembly.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Second Reading

Resumed from 9 April.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.38 pm]: I thank members who spoke for their support of the Bill. I was not in the Chamber for earlier debate, but I have read members' comments in *Hansard*.

As most members would be aware, the initial review of the legislation was reported to the Minister for Commerce and Trade in December 1994. Since that time, work has progressed to prepare the legislation to upgrade the Act under which the Department of Commerce and Trade operates, and through which it provides assistance to industry.

I now comment on contributions by a number of members. Hon Jim Scott stressed the functions of government in promoting the commercialisation of government intellectual property. The Government endorses his view. It is an important area to help government to benefit from the innovation and research within many government agencies. This was not always the case in the past. The member confirmed his support for the Bill, for which I thank him.

Hon Helen Hodgson expressed support for improved accountability provisions in the Bill, particularly those relating to providing financial assistance to industry. The Bill is designed to ensure that Parliament and taxpayers are informed about financial assistance to industry. An undertaking was given that notification of assistance up to \$200 000 will be tabled in Parliament on an annual basis, and notification of assistance over \$200 000 will be tabled as soon as possible after agreement is reached with the proponent.

It should be noted that this reporting arrangement will continue the accountability and reporting mechanisms that the Minister for Commerce and Trade introduced into the area of financial support to industry. A list of financial assistance to industry provided by the Department of Commerce and Trade was tabled in November 1996 and 1997. The Minister has for some time made parliamentary statements supported by detail about the assistance provided whenever that assistance has exceeded \$250 000. This cut-off point of \$250 000 has been reduced and future parliamentary statements will relate to assistance packages which exceed \$200 000, rather than \$250 000. These tabling arrangements will be embodied in a guideline to be published in accordance with part 3 of the Bill. Other

financial assistance guidelines provided by the department have been available for some time. This has been partly in anticipation of the requirements of the legislation. It has also been in response to the recommendations of a number of examinations of government support to industry, including investigations conducted by the Auditor General in the Public Accounts and Expenditure Review Committee, and the review of the current Technology and Industry Development Act which has resulted in the Bill before us.

These financial assistance guidelines are available on the department's web site. The site provides the name of each scheme, its objective, the criteria and eligibility for access to the scheme, the type of support available, the decision making process and the conditions and the obligations that apply to successful applicants. These guidelines also inform prospective applicants that the department is subject to the Freedom of Information Act and that information about the assistance provided to them will be tabled in Parliament. For their information, those members who spoke in the debate have been provided with a hard copy of these guidelines. If they have not, I am happy to make that available to them. I recommend that members and their business and industry constituents visit the Commerce and Trade web site for useful information not only about financial assistance, but also about other areas of industry support in which the department is active.

Hon Helen Hodgson spoke about the clauses in this Bill which provide some limited exemption from the Freedom of Information Act. This exemption is for industry-owned information which is a trade secret or is commercial in confidence. If proper assessments of applications for assistance are to be made, then the department will need access to information about the applicant which is a trade secret or is commercial in confidence. Applicants must have confidence that this information, which is critical to the success of their business, will remain confidential. Hence, the exemption provisions contained in this Act. I thank the member for her support of these provisions and assure her and other members that these exemptions are not intended to inhibit proper reporting and transparency about aspects of assistance that should be in the public arena. The name of the recipient, the purpose of the assistance, the criteria which must be met by the recipient and the extent of support provided will be public knowledge for the financial assistance to industry provided through this legislation.

Hon Kim Chance also spoke in support of the Bill. He is keen to promote activities which will help the State add value to its primary resources in Western Australia, rather than export these resources for another country to benefit from further processing. The promotion of downstream manufacture and value adding activities falls within the objects of the Bill and this is an aim all members will support.

Hon Mark Nevill also supported the Bill, making reference to the provisions in the Bill to deal in land. This was a provision which was subject to much debate, which he found confusing, as it is certainly in the original legislation. He is right on both counts. The power is in the existing legislation. The debate referred to was about whether the power should be retained in the new legislation and not added as something new. As Hon Mark Nevill rightly pointed out, the power is in the new legislation. It is a prerequisite to carrying out the functions of the Bill efficiently and effectively. The continuing development of Technology Park at Bentley is an example of this. However, the member made some other comments which I must point out are not strictly correct.

Hon Mark Nevill: What!

Hon N.F. MOORE: The member acknowledged that he had had a long lunch, so perhaps that was the reason he made his first error.

Hon Mark Nevill: It must have been.

Hon N.F. MOORE: Hon Mark Nevill suggested that this legislation will be useful in resolving issues relating to the goldmining industry and eligibility for royalty relief. This has been the subject of debate in the House and it is important to remind the member that royalty relief will be provided by the Minister for Mines under the guidelines that have been established for providing that relief, and not under this legislation. The member's comments suggested that it would be easier to get money or support through this legislation rather than royalty relief. The royalty relief provisions in relation to the gold industry will be sympathetically administered to ensure that goldmines remain open, rather than closing the mines.

The member also said that the Bill did not appear to have any criteria for financial support. On the contrary, the general philosophy in drafting this Bill has been to provide an overall framework within which the Government of the day can deliver its policies to meet the changing needs of industry and Government as flexibly as possible. However, significant effort has been made to ensure that this flexibility is not at the expense of accountability and transparency. The member was referring to part 3, clause 9, which lists six types of financial support - grants, loans, subsidies, guarantees, indemnities and concessions - and closes with a general statement covering any other direct or indirect financial support which may not have been envisaged when this Bill was drafted. The honourable member needs to continue reading clause 10, which proceeds to require guidelines - criteria, if the member prefers - which

must be developed before that financial assistance can be provided. Should assistance be proposed which is not in accord with the available guidelines, then clause 11 imposes significant additional approvals and sanctions which must be met. These guidelines have been developed and are available to clients from the Department of Commerce and Trade. As Hon Helen Hodgson pointed out, the specifics of these guidelines are not incorporated in the Bill because of the need for flexibility and speed of response to industry's needs. An example of the importance of this flexibility is the changes made recently to the export market support scheme offered by the department. These changes accommodate business needs resulting from the impact of the Asian economic crisis on Western Australian and potential exporters. Assistance under this scheme was previously restricted to participants in an industry mission or trade exhibition. This requirement has been relaxed to allow support for visits to existing agents or distributors in countries affected by the economic upheavals.

Hon Mark Nevill foreshadowed an amendment to clause 26 regarding the tabling of the annual report of the Western Australian Technology and Industry Advisory Council. The Government endorses the principle the member proposed. He seeks to ensure that the council's annual report is tabled for the scrutiny of the House in a timely way, and he is quite correct in identifying that the existing clause could possibly not have had that result. However, examination of the amendment the member proposed revealed that his amendment did not achieve the desired result either. One of the impacts of the changes he proposed was that the report could not be tabled any earlier than within three days of 31 October each year, which was not his intention.

Hon Mark Nevill: Any later?

Hon N.F. MOORE: Any earlier than within three days of 31 October each year. I foreshadow an amendment to the same clause which will achieve the desired result and that amendment is on the Notice Paper. The TIAC is required to provide the Minister with its report by 31 August in any year. Previously, no time line was set on this. The clause requires the Minister to table this report in both Houses within seven sitting days of receiving it. This ensures that the Minister has the opportunity to examine the report before tabling it and that the report will be provided to both Houses of Parliament without undue delay. I hope that members will support these changes during the Committee debate.

I thank the members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 to 21 put and passed.

Clause 22: Composition of Council -

Hon HELEN HODGSON: Subclause 1(b) provides for quite a wide variation in the number of members that can be appointed to the council; that is, no fewer than six, nor more than 18 other persons. Is there a reason for the potential variation being that large?

Hon N.F. MOORE: I will take a punt. It is designed to give maximum flexibility to the Minister to appoint people to the council, based upon the changing nature of industry in the areas in which this council will be involved. As industry's needs change and as the types of industries change in the Western Australian economy, it is important to have the flexibility to appoint additional people to the council without having to take members off the council. It is a question of making sure the maximum flexibility is available to the Minister to appoint people to meet the needs of industry across the board.

Hon HELEN HODGSON: I understand currently 14 members are on the board and, of those, one or two may not be available to assist the board. One may be interstate and others, for various reasons, may not be able to participate. What happens in that situation? How is their appointment to the board revoked?

Hon N.F. MOORE: The current membership is 11, plus the chief executive officer of the Department of Commerce and Trade. Is the member asking what will happen to revoke a membership?

Hon Helen Hodgson: I was provided with a list in November last year. I know one person on that list is no longer resident in Western Australia. Without reflecting on that person, I wonder whether there are procedures to remove that anomaly.

Hon N.F. MOORE: I will need to look through the Bill; however, there is a provision in the overall Act, as it will be, to enable the Minister to remove people from the membership of the council for various reasons. I hope the member will forgive me if I cannot find it immediately; however, I will come back to her as soon as I can find it. I understand that provision is in the Bill.

Clause put and passed.

Clauses 23 to 25 put and passed.

Clause 26: Annual report of Council -

Hon N.F. MOORE: I move -

Page 19, lines 1 to 9 - To delete the clause and substitute the following clause -

Annual report of the Council

26. (1) The Council must, as soon as practicable after 1 July, and in any event on or before 31 August, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.

(2) The Minister is to cause the Council's report to be laid before each House of Parliament within 7 sitting days of the House after the Minister has received it.

(3) This section does not affect any duty of the accountable officer of the department under the *Financial Administration and Audit Act 1985* to prepare and submit an annual report containing information about the Council or the operation of that Act in relation to that annual report.

I have circulated an amendment to this clause which deals with the matters raised by Hon Mark Nevill during the second reading stage. It requires that the council as soon as possible after 1 July, and in any event before 31 August, prepare and give to the Minister a report. The Minister shall cause the council's report to be laid before each House of Parliament within seven sitting days after the Minister receives it. It will ensure the annual report of this council is brought to the attention of this Parliament as soon as practicable. This amendment will do what the member requires to be done.

Hon MARK NEVILL: I accept the amendment moved by the Leader of the House. It achieves the same purpose as my amendment intended. I take issue with the Minister that there was a problem with the amendment I suggested. I do not have the original Bill with me; however, the intention of the amendment I proposed was that the report be tabled within three sitting days of 31 October of each year. It could be tabled earlier, but not later. The Minister's amendment says basically that it shall be laid before each House within seven sitting days after the Minister has received it, and the Minister can receive it as late as 31 August. The seventh sitting day would fall within the third sitting week after 31 August. We normally sit in August or September. I expect the Minister's amendment will result in the annual report more often than not being tabled in September or perhaps October. The original clause in the Bill could have had the annual report being tabled in March or April if the 21 sitting days were interrupted by the summer break.

I believe both amendments have the same effect. I defer to the Minister's amendment because I know amendments drafted without the advice of parliamentary counsel can often cause problems. I do not believe there are any problems with the amendment I proposed, as suggested by the Minister. Nevertheless I will support his, and not move mine.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 27 to 34 put and passed.

Schedule 1 -

Hon N.F. MOORE: Earlier Hon Helen Hodgson raised the resignation, removal and so on of members of the council. That is contained in schedule 1.

Schedule put and passed.

Schedule 2 put and passed.

Title put and passed.

Bill reported, with an amendment.

[Questions without notice taken.]

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.35 pm]: I move -

That the Bill be now read a second time.

Background: In 1992 the Standing Committee of Attorneys General noted a consultancy to investigate greater nationwide cooperation in births, deaths and marriages registry services. The consultants' final report, entitled "Project Link", which was delivered in October 1993, recommended a long term strategy to progressively coordinate registry services for births, deaths and marriages across all States and Territories. Initiatives in Project Link to date include the introduction of security paper common to all registries, national fax back services, Interfax ordering services and common access policies and practices. To further support the notion of nationwide consistency, drafting instructions to provide a model Bill across all jurisdictions were approved by SCAG on 18 February 1994 for referral to the Parliamentary Counsels Committee.

The Parliamentary Counsels Committee in turn asked the South Australian Parliamentary Counsel to carry out the task. On 28 August 1995, Cabinet approved the drafting of a Bill, based on the South Australian model, to replace the Registration of Births, Deaths and Marriages Act 1961, which has been substantially unchanged since it was enacted.

South Australia, New South Wales, Victoria and the Northern Territory have already enacted common core births, deaths and marriages legislation. The proposed Bill closely corresponds with the legislation enacted by the other jurisdictions, apart from specific variations which accommodate the particular requirements of Western Australia.

The principal purpose of the Births, Deaths and Marriages Registration Bill is to retain the traditional framework of compulsory civil registrations while facilitating the introduction of common services across Australia. It is designed to more adequately address the needs of contemporary society by acknowledging changes in social attitudes and by recognising the cultural diversity of our community and the existence of modern technology and administrative procedures.

I will now comment on the main features of the Bill. The Bill acknowledges the restrictive naming provisions in current legislation which are not sufficiently flexible to encompass the different naming patterns that exist in our multicultural community. The Bill will enable freedom of choice in the naming of a child at the time of registration of birth, including the recognition of traditional and religious naming procedures of all ethnic groups. The substantive change to current legislation dealing with the naming of children has taken into consideration the previous Cabinet decision of 25 March 1991 to amend the Registration of Births, Deaths and Marriages Act to accommodate the various naming procedures of recognised religious customs and ethnic groups. Additionally, the freedom of choice in the naming of a child addresses earlier concern from the Women's Electoral Lobby regarding the present requirement that all children of the same parents, apart from recognised ethnic groups, must be registered in the same surname.

The Bill recognises the current method of computerised registration and generation of certificates and promotes the development of further proposals for electronic access and collection of registration information. It recognises that, in an age of technological advance and greater population mobility, agreement must be in place to facilitate and simplify the exchange of information between States and Territories of Australia which promotes efficiency, best practice, uniformity and better services to the community. In order to achieve this desired outcome, the Bill enables the Minister to enter into arrangements with other Ministers administering a corresponding law for the provision of improved registry services to those Australians who were neither born nor married in their State or Territory of residence.

The Bill also provides a formal requirement for hospitals, or in other cases the doctor or midwife, responsible for the professional care of a mother at the birth, to notify the registrar of a birth. This process is vital to ensure the capture of every birth that occurs in Western Australia by matching notification information against registered births. Similar requirements have been in place in other jurisdictions for some time and are vital to ensure the capture of every birth by matching notification information against registered births. At present the process is only performed on an annual basis by informal arrangement with the Health Department. The benefits of the current arrangement are compromised by the inability to receive notification information at regular intervals.

The Bill provides the registrar with greater scope to record parentage details in the register on the application of one parent provided sufficient evidence is received by the registrar regarding the authenticity of such information. Existing legislation is unnecessarily restrictive and out of date with modern technology such as DNA or blood testing that positively identifies parentage. This provision is further complemented by the fact that the Bill enables the registrar to give effect to the finding of a court in relation to the identity of a child's parent. Except in limited circumstances, current legislation does not permit the registrar to act on the finding of a court regarding paternity of a child unless both parents agree to include information in the register.

While it is clear that the registrar is required to register all births in this State, this is not currently possible unless a birth registration statement is received from a parent of the child or a person in charge of the place where the birth occurred. This Bill will provide the registrar with greater scope to receive and register information about a birth from a person other than a parent of a child. This provision, for example, will enable the registrar to receive registrable information about a birth from a person in whose care a child has been placed and where the parents are unlikely or unable to provide the information for registration purposes.

As the Bill will provide the registrar with greater scope to register information about a birth, it is proposed to repeal the Registration of Identity of Persons Act, which was enacted on 6 August 1976 in an attempt to give some means of identity to persons born in Western Australia and whose birth had not been, or could not be, registered in the normal way. Only one application for registration under this Act has been received, and few inquiries about the Act have been made, because of the requirement that proof be obtained from the registering authority in each State and Territory that the birth has not been registered elsewhere in Australia. The certificate issued does not have the same standing as a birth certificate but simply shows that certain particulars have been entered in the identity register.

This Bill also recognises that both parents are equally responsible to register the birth of a child and requires them to sign the birth registration statement which is lodged with the registrar. While the involvement of both parents may be ideal, in some situations such an outcome is not possible. In order to accommodate these situations, the Bill makes provision for the registrar to accept a birth registration statement signed by one parent where he is satisfied that it is not practicable to obtain the signatures of both parents.

Although the Bill will continue to provide for the recording of parentage information, including marriage details where the parents of a child marry after the birth of the child, any reference to the concept of legitimacy, as is found in existing legislation, is removed. This is an important change reflecting the removal of the concept of illegitimacy and recognises changing attitudes of contemporary society.

The Bill will enable the registration of a death of a person who dies outside the Commonwealth but is domiciled or ordinarily resident in the State or leaves property in the State. This provision is intended to provide next of kin with easy access to a death certificate, which may not be readily available from the place where the death occurred.

Although the Bill replaces current change of name legislation, the new provisions similarly reflect present Western Australian procedures for the registration of change of names of adults and children. A significant change to existing legislation is the recognition of a person's right to assume a name under common law, which has been the case in other jurisdictions for many years.

The original intent of the legislation enacted in 1923 was to inhibit any change of name of men who deserted their wives and children, thereby increasing the burden on the State in supporting their families. The usage of current legislation has changed considerably since it was enacted, and policy constraints have progressively relaxed to the stage where a change of name licence is now available almost at call.

It appears the original intent of the legislation is no longer relevant, given present state and commonwealth legislation which deals with child welfare matters and the many procedures in place to ensure fathers are responsible for supporting their children. At the present time the registrar has the authority to issue licences to change name and register deeds poll. The Bill seeks to rationalise current procedures by preventing the registrar from registering a change of name except as provided by the Bill.

The Bill retains the basic policy position of a closed register, but enables the registrar, subject to conditions the registrar considers appropriate, to allow a person or organisation that has adequate reason for wanting access to the register or wanting information from the register, to grant access to or provide information extracted from the register. The registrar's discretion to determine access to the register takes into consideration the nature of the applicant's interest, the sensitivity of the information, the proposed use of the information and other relevant factors.

The Bill specifically provides for confidentiality and security of information in the register. In granting access or providing information the registrar, as far as practicable, must protect the persons to whom the entries in the register relate from unwanted intrusion on their privacy.

The Bill includes a review clause which enables anyone who is dissatisfied with a decision of the registrar in the administration of the Act to apply to the Minister for a review of the decision. The Minister may confirm, vary or reverse the registrar's decision.

As there are a number of consequential amendments arising from the Births, Deaths and Marriages Registration Bill 1997, a separate Bill has been drafted. I will comment on this Bill shortly.

In summary, it is anticipated the Bill will simplify the operations of the Registry of Births, Deaths and Marriages by facilitating the greater use of technology, with all its attendant advantages for quick, efficient and accessible services. The Bill will promote consistency in registration practice and services across all jurisdictions resulting in improved service delivery to all Australians. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ACTS REPEAL AND AMENDMENT (BIRTHS, DEATHS AND MARRIAGES REGISTRATION) BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.42 pm]: I move -

That the Bill be now read a second time.

I am pleased now to present to this House the Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill. The Bill deals with consequential amendments to a number of other Statutes as an important part of the overall package of reforms proposed under the Births, Deaths and Marriages Registration Bill. In relation to this Bill there are three matters which I would like to draw to the attention of the House.

The first is the repeal of the Change of Names Regulation Act 1923, which will be replaced by part 5 of the Births, Deaths and Marriages Registration Bill 1998. Although the Bill replaces the current change of name legislation, the new provisions similarly reflect present Western Australian procedures and seek to rationalise current practices.

The second is the repeal of the Legitimation Act 1909 due to complementary provisions in the commonwealth Marriage Act 1961 and part VI of the Registration of Births, Deaths and Marriages Act 1961. Although the Births, Deaths and Marriages Registration Bill will continue to provide for the recording of parentage information, including marriage details where the parents of a child marry after the birth of the child, any reference to the concept of legitimacy, as found in existing legislation, is removed.

The third is the repeal of the Registration of Identity of Persons Act 1975 which was enacted on 6 August 1976 in an attempt to give some means of identity to persons born in Western Australia and whose birth had not been, or could not be, registered in the normal way.

Only one application for registration under this Act has been received, and few inquiries about the Act have been made, because of a requirement that proof be obtained from the registering authority in each State and Territory that the birth has not been registered elsewhere in Australia. The certificate issued does not have the same standing as a birth certificate but simply shows that certain particulars have been entered in the identity register.

As the Births, Deaths and Marriages Registration Bill will provide the registrar with greater scope to receive and register information about a birth from a person other than a parent of a child, the Registration of Identity of Persons Act is obsolete.

The Births, Deaths and Marriages Registration Bill and the Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill form an important package of reforms to achieve greater nationwide consistency in the registration of births, deaths and marriages. I will therefore be seeking leave for these two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

GOVERNMENT RAILWAYS AMENDMENT BILL

Second Reading

Resumed from 19 March.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.45 pm]: This Bill will give to Westrail

the power to lease certain nominated land for up to 99 years, as opposed to the current provision of 50 years. Three areas are identified specifically in this legislation; that is, all rights over the Joondalup rail reserve, the Subiaco redevelopment area and the Co-operative Bulk Handling Ltd development, excluding Forrestfield and Kwinana. In the first two instances the Government claims that the 50 year lease is not sufficient to provide a proper and equitable return on the investment of the superstructure that is necessary to be constructed in those areas. It says that it has commissioned a number of opinions from valuers which support this view.

Westrail has indicated its belief that the proposals will not present any redevelopment or refurbishment problems for it, as the structures it has built will last 99 years; and they will not require rebuilding or refitting before that time. Westrail claims to be concerned about alternate proposals to provide freehold titles over which the land could then be strata titled and this could be a far greater impediment to its control. It is, therefore, seeking to go with a 99 year lease as an alternative. It is difficult to judge the validity of the arguments and, as such, there is some argument for the Opposition to not simply respond to government saying, "We don't oppose the legislative initiative in this regard. You are the Government. You have made this decision and we will not oppose you about the initiatives in this direction."

The third area relates to the CBH rural properties. CBH has wanted to buy these areas, but given the low value of most of the land concerned and the cost of the administrative processes involved in surveying and creating freehold estates, it is considered not worthwhile; therefore, a 99 year lease is being offered as a substitute for the sale of the land. Given that the land is of little value when compared with the value of the infrastructure developed by CBH and a sale of the land would have been acceptable, we in the Australian Labor Party support the third component of the Bill.

The Bill represents a change in the arrangements. I would have been delighted had I seen a fourth component to this Bill; that is, a provision dealing with the railway lands in Kalgoorlie. That would have provided an opportunity for two things there: The first is a response to some of the land pressures with which that community is faced, and the second, importantly, is the opportunity for developing a major facility for road transport off the railway line at Kalgoorlie for the movement of freight through the inland routes to the north. I guess I would have had more enthusiastic support for the Bill if it had given some attention to that railway reserve to create the opportunity for competition and for opening up road transport links with the rail network to service the inland route to the north west. Having said all that, unfortunately it is not contained in the Bill and we are left with a more limited delineation of three areas for specific use.

I will make a few observations about the rail reserves of metropolitan Perth. I have had personal support - I have never seen this embraced enthusiastically anywhere else - for the developments over the line in the Joondalup area. I have always thought that it is an appropriate response to that railway corridor for there to be more intensive use of the areas immediately above the railway line between Perth and Fremantle. In order to make that proposition more attractive, it may be necessary to have more Bills like this that tackle the railway reserves in that direction as well in order to facilitate major developments over the railway line along that corridor. It would be an appropriate response to the notion of more intensive residential use of that corridor to build up the population closer to the major centres of Perth and Fremantle to avoid a grand metropolitan sprawl that is otherwise developing and creating infrastructure costs and, unfortunately, fuelling the frenzy for highway extravaganzas with which the Minister for Transport is engaged in the metropolitan parts of Perth.

A more appropriate response to the population pressures of this city is to find ways of utilising this type of initiative that is on display here, at least in reference to Joondalup, and expanding the opportunities for doing precisely that with very intensive residential opportunities above that railway corridor. I am thinking of comparable locations in the metropolitan area of Sydney where one sees major shopping centres, hotels, and a very intensive and broad range of accommodation for people across the broad socioeconomic spectrum with which the population of Western Australia is faced, from the very comfortable to the reasonably priced accommodation that can be provided in areas such as that which I have identified, at least above the railway line corridor down towards Fremantle. There are no doubt other opportunities such as the one at Joondalup where these opportunities can be explored further. The Labor Opposition will not be opposing this legislation.

HON NORM KELLY (East Metropolitan) [5.52 pm]: I express the Australian Democrats' support for this Bill. It is my understanding that the leases to be offered will be based on a value equivalent to the value of the land as if it was sold, so that a 99 year lease would be the equivalent of the sale value of that land. It seems to be a very good initiative to encourage the utilisation of areas such as Joondalup and also Subiaco, which is already being highly developed. I understand that in country areas where Co-operative Bulk Handling Ltd has its sites, it is also a way of making far clearer the legal ramifications for matters such as liability for people working around those sites. I also have some reservations about the need for such a lengthy lease as a 99 year lease. However, I feel it is good for Westrail to maintain ownership and control because, as was expressed to me by Westrail, there were concerns that

if this land or this area were to be sold, in the cases of Subiaco and Joondalup, Westrail would have no control over development that occurs over its existing railway lines, with excess development, in the form of stanchions or whatever, impacting on the railway lines and Westrail being liable for the cost of upgrading. We believe it is a very workable and sensible initiative on the part of the Government, and the Australian Democrats support it.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.54 pm]: I thank members for their support of this Bill. It is a good demonstration and a good example that this Bill is a significant development for Western Australia, in both the metropolitan area and country areas, yet we are zipping through it fairly quickly, but that should not mean people should underestimate the significance of this decision, because it will bring a great benefit to Joondalup and Subiaco, and also for the future security of the installations of Co-operative Bulk Handling Ltd around Western Australia.

In relation to the point that Hon Tom Stephens raised about Kalgoorlie, we are calling for expressions of interest now about the operations of a hubbing centre in Kalgoorlie for the service of an intermodal facility to facilitate that. I was there a week or two ago and met with some of the people who have been interested in this for a long time. Expressions of interest will be advertised for by the Goldfields Esperance Development Commission in conjunction with Transport, and Westrail land will be made available. That can be progressed on that basis.

Westrail is undertaking a rationalisation of its land around the State to make its land available for use by people who want to take up that option. We have had a very significant evaluation of that land to ensure the long term needs of the rail in the future will be safeguarded. With those comments, I thank members for their support.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Assembly.

Sitting suspended from 6.00 to 7.30 pm

LIQUOR LICENSING AMENDMENT BILL

Second Reading

Resumed from 9 April.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [7.30 pm]: I thank the Leader of the House for obliging the Opposition in the reorganisation of the Notice Paper to accommodate the opportunity to take a final position on another item on the Notice Paper.

The Opposition will not take a long time in the second reading debate of this Bill. That is unusual, because most members would consistently and regularly in their political and parliamentary life have a great deal of involvement in the operation of the liquor licensing laws of this State, in the review of those laws, and in the recommendations before the Government. There has been a slow gestation for the Bill currently before the House. That would normally create the situation where an Opposition would want to put all of its knowledge on display before the House to show its involvement and participation with the Government in developing the legislation and consulting widely. I can assure members that is what we have done, and my story is no different from that of so many other members. I have participated in the process of circulating this legislation all over the countryside. I have elicited feedback, been involved in dialogue, briefly with the Minister but more intensively with his officers, and tried to extract information about the operation of the law as it currently stands, and how the Bill will impact on the community of Western Australia from the top to the bottom of this State. There have been some interesting responses among those I have solicited and those that have arrived unsolicited from the community of Western Australia.

The Opposition's position on the Bill has well and truly been put on record in the other place by the opposition spokesperson on racing and gaming and the liquor licensing area, my colleague the member for Perth, Diana Warnock. That part of her commentary which particularly reflects the Labor Party's view is that the Labor Opposition does not want to do anything that would delay the parliamentary consideration of this Bill, so it can be dealt with expeditiously and provide the Government with an opportunity to bring about a new legislative framework inside which the liquor industry can operate in Western Australia.

Consideration was given to amendments that relate to aspects of the operation of the liquor industry. We have subsequently received representations that indicate that all sections of the industry encourage the Parliament and therefore the Opposition not to unduly delay this Bill, and to facilitate its early passage to ensure that it is the regime under which liquor licensing is conducted in Western Australia.

Western Australia is a staggeringly diverse community. The Liquor Licensing Act has demonstrated the difficulty of a Parliament responding to the legislative challenge that such a diverse State as ours presents to a Government and

to a Parliament. My experience of Government in the challenge of the last major rewrite of the liquor licensing laws, when I was a member representing much of the remote and regional areas of Western Australia, was that while in government our response to ensure a more flexible regime to respond to the diversity of situations in Western Australia in regard to liquor licensing was not adequate. The metropolitan area and many of the closely settled areas of Western Australia are different from the smaller, more remote regional communities of Western Australia, in which the industry operates totally differently. The licensing needs of the outlets and their response to the communities are consequences of that difference. I wanted to see a much more flexible regime put in place in regard to this Act than we were able to do while in government. This Bill will build on and create the opportunity for that flexibility that is so demonstrably needed in Western Australia. I will go into some detail to best highlight that need.

A summation in my electorate - the vast electorate of the Mining and Pastoral Region - of the attitude of many of the smaller population centres of remote Western Australia indicates that communities rate the issue and the impact of alcohol abuse as one of the, if not the most, deleterious and damaging aspects of life in remote regional Western Australia. Alcohol abuse, drunkenness and all of the consequences that flow from alcohol abuse are a problem not simply to those who regularly fall into a state of intoxication but also to the communities in which they live. That is the wider community and their own communities and families. In particular, this is most evident in the Aboriginal population of regional Western Australia. Of course, I do not suggest that alcohol is a problem for all Aboriginal communities; nor is it a problem for the overwhelming majority. It is a significant problem, however, for a significant minority within the Aboriginal community of this State. To that extent, the use and abuse of alcohol in the community is causing enormous difficulties for the population, and social dislocation for the Aboriginal community and its interface with the wider community. Everyone in remote areas is looking for a framework for resolution of the consequent problems. Drunkenness very regularly flows into the abuse of property and persons in the neighbourhood, which can lead to physical violence, injury and, regrettably, death for the person who is intoxicated and those with whom that person comes into contact as a result of the use of a vehicle or some other lethal weapon that can fall into the hands of a drunken person, whether that be a car, a knife or a gun. A great deal of damage can be done to the intoxicated person, the family, the neighbourhood and the town. Everyone wants to see a resolution in response to this health challenge. To some extent this Bill is a significant advance in that direction.

This Bill endeavours to tackle trading hours, so that in future the liquor licensing authorities will have the opportunity to respond more effectively to the communities in which the liquor outlets are licensed, and to the broader community needs of the smaller population centres. It attempts to have applications made to the liquor licensing authorities with the responses to those applications containing appropriate limitations on the licensees which respond to the health challenge of the communities as identified by the effective consensus emerging from them. For instance, I refer to Derby and Halls Creek in the Kimberley where a consensus has emerged about the size of the problem. Structured within that observation was an expectation upon the liquor licensing authorities and the way they operated under the old Act. The expectation was that licence restrictions would try to limit the damage consequent upon the unfettered flow of alcohol into the smaller population centres. To some extent, arrangements were struck for both communities which have improved the situation over that which was in place prior to this consensus emerging. However, it was not without its difficulties.

A decision was made by Judge Greaves of the Liquor Licensing Court in the case of Woolworths, an unreported case of the Liquor Licensing Court of Western Australia, 14-97 delivered on 7 April 1997, in which Judge Greaves held that whatever the objects of the existing Act - unamended by the current Bill - even with the public health objectives, and sections 63 and 64 which give power to the licensing authority to vary licensing conditions, the Act had not been adequately structured to provide for a positive response to the application of the local community to tackle the issues of health being adversely affected by the unfettered liquor licensing outlets.

I have sought and I will seek later this evening an opportunity to talk with the Minister's senior officer about whether amended section 64(3)(cc) contained in clause 44(2)(c) has been adequately amended at this point to ensure that the community's needs in this regard can be adequately protected at law by the authority of the licensing authorities. It has also been said to me, and I agree with the observation, that a difficulty has arisen in regard to the sale of packaged liquor. In some towns a consensus has emerged which seeks to restrict the sale of packaged liquor - its type and the times it may be available - as part of the assault by the community on the abuse of alcohol within a community. As an example, in Fitzroy Crossing the major liquor outlet is 50 per cent owned by the Aboriginal community and 50 per cent owned by the major hotelier. That structure wanted to make available within the town of Fitzroy Crossing the opportunity for restricting the flow of packaged liquor to the community, to respond to the financial cycle which is regrettably a pattern of the Social Security-dependent population centres in rural and remote areas. It wanted to respond to that situation, to limit the type of alcohol that can flow at times, and to limit the hours during which the licences would operate. To some extent, that has been achieved, in this case due to the economic clout of the affected Aboriginal community, by purchasing the 50 per cent equity in the licence and using that economic clout to adjust the mode of operation of the licences. At this stage that has been unchallenged by the constraints of the current Act.

In other communities these issues are more difficult to tackle. In some cases there is a relatively homogeneous community with broad consensus about the size of the problem and a recognition that the problem is so overwhelming that it must be tackled with specific techniques when the consensus emerges and people arrive at resolutions which have been put in place in the community. However, there is an apprehension that the resolution in Fitzroy Crossing has been achieved only because the community obtained an equity in the licence. Even though there is always the risk that, in other circumstances, there may be challenges to the mode of operation of the law as it stands, that would place at risk the whole mode of operation and deliver to a community such as Fitzroy Crossing a more damaging flow of alcohol that no-one from any section of the race divide or the community seeks - whether that be business interests, the Aboriginal leadership or community, or civic leadership.

Hon Greg Smith: What about food vouchers instead of money?

Hon TOM STEPHENS: I do not accept that, and I will not be diverted into that debate. However, that does highlight the problem that historically we have had racially discriminatory laws with regard to liquor licensing.

Hon Max Evans: Nullagine was one example.

Hon TOM STEPHENS: Discrimination was attempted, and discrimination is still being carried out. The Minister raised the example - I do not know whether it is currently subject to legal challenge -

Hon Max Evans: I do not think so. That was a few years ago.

Hon TOM STEPHENS: I understand that in some situations, liquor licensing does operate in a racially discriminatory way. That is not what I am advocating, because I regard racial discrimination as abhorrent and counterproductive. In any case, if this Bill were to contain racially discriminatory provisions, they would be thrown out on appeal to higher courts because of the overriding provisions of the race discrimination legislation in this country. I want to see a different approach applied - not one that even hints at discrimination, but one that provides the opportunity for community consensus about strategies to diminish the problem of alcohol abuse within these remote centres.

To use another Kimberley example, Broome is a community in which consensus is more difficult to achieve because of the wide polarisation between business interests and broader community interests. Broome also presents the challenge of determining how best to cater for the tourism industry, where massive investment - some people would suggest over investment - has been made in businesses that need huge liquor sales in order to justify their operation. It will always be difficult to reach consensus in that community, but the health needs of that community will still need to be appropriately addressed by the liquor licensing authority when it responds to applications for the issue of additional licences or for the restriction of liquor licences in response to particular problems that may emerge.

Clause 27 seeks to amend section 41 of the Act to provide that hotel licensees are required to sell packaged liquor to any person. Proposed section 47(1) in clause 30 provides that liquor store licensees are authorised to sell packaged liquor to any person. I have prevailed upon the Minister to give me the opportunity of discussing with his officer this evening a further amendment to these sections to strengthen the ability of communities to protect themselves, with the support of this Bill, from the dangers to health that may flow from the unfettered use of those proposed sections. The Minister's officer may be able to convince me in double quick time that my fears and the fears of the communities are unfounded and that our best prospects lie in going with the Bill as it stands. I will then have the opportunity of thinking about that advice tonight and of letting members know tomorrow when we go into Committee whether I will proceed with some amendments or support the Bill as it stands. If I were able to persuade the officer that my fears were well founded, and if he in turn were able to relay those fears to the Government in a sufficiently convincing fashion, I feel confident from the quick discussion that I have had with my colleagues that this Bill would be given expeditious treatment and would be available for enactment in double quick time.

Some Aboriginal communities are tackling the issue of alcohol education by using community by-laws to establish liquor outlets that operate for limited hours and sell a limited quantity of alcohol. That is a commendable initiative. One such community is in the Dampier land peninsula north of Broome. I will not mention that community's name in case it has no authority for what it is doing and it is all completely illegal, but that community council is selling alcohol from its club for a couple of hours each night, and each person within that community can buy just two cans of beer. People who do not drink can pass on theirs to another to make four cans of beer available to that person, and so on.

Hon Max Evans: I will help you out!

Hon TOM STEPHENS: Yes. We can imagine how the beer is passed around, and the quite happy results that flow. That is working to the satisfaction of that community. It ensures that the community council does not have to respond in the alternative fashion of just making that community a dry location so that the people will simply go into the

township of Broome and cause the problem of alcohol abuse to blow out within that major population centre. That is a very sensible and creative response to the challenge that alcohol presents within Aboriginal communities. I want to ensure that this Bill provides the opportunity for communities to use their community by-laws. The Minister may be able to point out, either now or through his officer later, the exact clause of the Bill which enforces that opportunity.

Hon Max Evans: What are the community by-laws?

Hon TOM STEPHENS: Under the Aboriginal Communities Act, which falls within the responsibility of the Minister for Aboriginal Affairs, community councils have the opportunity of establishing by-laws which are enforceable at law. Some community councils have made the community a dry area where no liquor is allowed, but other community councils have set up a controlled drinking area, and they want to ensure that this Bill will not diminish that opportunity and that the two Statutes can work in tandem, because if by any chance that mode of operation were ultra vires the current Statute, let alone the amended Statute, a significant problem would arise in the remote areas of Western Australia. This State is not an orphan in trying to respond to these challenges. They face all of the remote regional areas of Australia. Much is debated, talked about, fought out and fought over in the Northern Territory, Queensland, rural and remote areas of New South Wales and South Australia, and no doubt throughout any other part of the country I have not mentioned.

Hon Max Evans: In the Northern Territory some of the dry areas are the worst.

Hon TOM STEPHENS: That is right. I am not a prohibitionist. I am merely trying to create the opportunity for a flexible response, to build consensus that creates legitimate resolutions to the issue for all of us, those in the Aboriginal communities as well as in the wider community. A book has been written on this topic entitled "Grog War". This book has documented the efforts to tackle the problem, to build consensus and to try to find ways of responding to the challenges in Tennant Creek in the Northern Territory. To some extent progress is occurring in some places in the Northern Territory, but in others the problem is getting worse. The introduction of alternative substances was a disaster. The response to the introduction of kava in Arnhem Land has been hideous. The controlled drinking environment established in Port Keats has proved to be another disaster. It simply has not worked. We have this major challenge before us of making sure we have a Statute that is flexible, creative and strong enough to address the opportunities and obligations we have as a State.

I am the opposition spokesperson on Aboriginal affairs; therefore, it is predictable that I deal with this issue in this debate. It has been dealt with, in part, in debate in the other place, but not comprehensively yet. I have sought and obtained the approval of my party to pursue the amendments that I discussed with the departmental officer and the Minister. Unless my fears are allayed, we will seek to persevere with the amendments in Committee. I will explain the process within my party in these matters. I went to Caucus today and advised my concerns. I presented the amendments I wanted to seek to move. Caucus made a decision that I could seek to move these amendments if my fears were not otherwise allayed. I have the opportunity for some further dialogue with my colleagues from the regional and remote areas - from the bush - who will participate in the final discussion before we go into Committee on this Bill tomorrow, about whether we have adequately tackled those concerns.

Recently I have been particularly focused on these issues by a person whom I hold in very high regard, one of the community leaders in my electorate, Reverend Raymond Molyneux, the Anglican archdeacon of Broome, who was formerly based in Newman. He has consistently kept me under pressure as the parliamentary representative for that remote area of Western Australia to find ways of addressing these issues at law and to ensure communities have adequate support at law when they want more responsive decisions to be made by the licensing authorities and the Licensing Court of Western Australia. He and his wife, Betty Lou, have kept on my tail to make sure that as the member of Parliament representing the areas in which they are involved - that is, Newman and Broome - I have been responsive to their concerns. They have accurately summed up the concerns of a very broad cross-section of that community in the north west.

All members of the Opposition received representations from a longstanding friend of mine from Kununurra, a field officer with the Aboriginal Legal Service in Kununurra, Frank Chulung. First he commented on the Bill saying that more funds should be made available by the State and Federal Governments to combat drug and alcohol abuse in the community. His second point was that harsher penalties and action should be taken against any licensee who supplies alcohol to a very intoxicated person or to a minor.

Tomorrow in Committee when we debate the short title, I would appreciate it if the Minister would give me a response to those points made by Mr Chulung in regard to the operation of the Liquor Licensing Act. This Aboriginal leader has seen the alcohol problem from both sides. As a youngster he went through the boxing industry. By the end of his time in boxing he had fallen into the pitfalls of alcohol in a very serious and significant way. He dug his way out of that problem in a conscientious way throughout his working life. For the 21 years I have known him he

has responded to the challenges of Aboriginal advancement and has regularly looked at ways of trying to assist those in the Aboriginal community come to terms with the problems created for them, and by them on some occasions, by the use and abuse of alcohol.

Hon Max Evans: Did Reverend Molyneux suggest any solutions?

Hon TOM STEPHENS: My friend Mr Chulung suggests making sure this legislation has sufficient opportunity for prosecution of the licensees who supply liquor to alcohol-affected patrons, and also that that is more enthusiastically pursued by the authorities - I guess that could be the police, but any other appropriate authority that can respond to the obligations of a licensee - by reducing the incidence of alcohol being sold to intoxicated people.

The problem of packaged liquor is highlighted in the second suggestion. What does a licensee do when confronted with a client who asks for 100 cartons of whatever it is? What is the appropriate response of a licensee to that situation and is there adequate flexibility for the licensee to respond to the health needs of a community when faced with a request for a sale of that size?

Hon Max Evans: Packaged liquor is different from glass liquor in a hotel when someone is inebriated.

Hon TOM STEPHENS: Yes. I am not saying that it is easy to find the solutions; however, we must make sure that within this Statute we give the maximum flexibility for the liquor licensing authorities to respond to each circumstance as it comes up, either by way of application or by a submission from a community that says, "Look, licensing authority, this is what is going on in this community; you have to act in response to the health needs of this community and to the way the licensing outlet is currently operating, and find ways to set limits that will bring that mode of operation back to an appropriate response to the comprehensive health needs of the community."

Hon M.J. Criddle: You are taking the responsibility away from the communities. Wouldn't it be better to have the problem solved the other way?

Hon TOM STEPHENS: I hear what the member is saying. I am not doing that. I want the law to be flexible enough to ensure communities and towns can create responses where the whole community has come up with a consensus and then goes to the licensing authority and puts forward the appropriate response to its situation and asks that the authority do something.

Hon Max Evans: Like Fitzroy Crossing.

Hon TOM STEPHENS: Yes.

Hon M.J. Criddle: We were there recently, and that is the message we got.

Hon TOM STEPHENS: Hon Murray Criddle was with me. He is right. I might as well tell this story to the Minister.

We wanted to have some grog that night but we found that, because of the restricted licensing operation within that community, we could not get grog at that time unless we had a room booked at the hotel at Fitzroy Crossing; so we booked a room. We were able to respond to the needs that we had as visitors to the region. That is a response that the community wants to see in that community. That is basically the type of consensus that has emerged. They are the ground rules the community wants to see operate in Fitzroy Crossing, and consequently that is what has been put into place. At other places the rules are more restrictive. We went to Mt Anderson and found that that no alcohol was allowed, so that was the mode of operation we ensured we followed on that occasion - a dry evening.

There are always challenges in places like Newman where there is no homogeneity between the community and they face a more difficult task. However, sometimes the problem is so big that, even with the lack of homogeneity in the community, one gets a small Aboriginal fringe dwelling population such as in Newman and the problem of alcohol then starts to emerge as such a big problem that consensus does emerge. The community of Newman is faced with another licensing application from Woolworths. There is broad consensus in that community that they do not want another liquor outlet in that town. It is a heavy industry area where people work long shifts and the last thing that the community wants is another liquor licence. They have a community shopping centre, the Boulevard Shopping Centre, which is a beautiful community facility. It is the only airconditioned location where families can come to and have coffees and meet; it is the one location that is protected from the weather, and the airconditioning makes it a lovely community facility. Now a large company like Woolworths has applied for another liquor licence to be located in that area. I think nobody wants it. It would put such unfair economic pressure on the other liquor licensing outlets, which are all trying to respond appropriately and responsibly to the social needs of that community. They are not trying to peddle vast amounts of alcohol into the Newman community to deliver an exorbitantly high return on their investment, but if another liquor licensing outlet were granted to Woolworths in that location, there would be a ripple effect through every other licence in that town which would cause them to get out and peddle their wares in bigger quantities to keep their figures up to protect their own investments. I hope that things will take their course

and that this liquor licence application will never see the light of day once the licensing authorities have dealt with it appropriately. If they do not, I hope I can be assured that this Bill, unlike that provided by previous Governments, will have the flexibility to provide a more appropriate response to the mode of operation of liquor licensing laws in this State. I include Governments of my own persuasion which, unfortunately, failed to deliver when we were in office, over that 10 year period, a legislative response that was adequately flexible to meet these competing needs.

Hon Max Evans: In recent times the High Court has been against it as well.

HON TOM HELM (Mining and Pastoral) [8.17 pm]: I am happy to ask the House to support this Bill, for which I add my congratulations to those of my comrades to the Government. This piece of legislation may go a long way to meeting some of the concerns in the community.

I bring the attention of the House to an addition to the preamble of the Bill. I will read out the addition and try to relate it to the decision of Judge Greaves in the Woolworths decision at Broome. The preamble states -

An act to regulate late the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to minimise harm or ill-health caused to people, or any group of people due to the use of liquor, to repeal the Liquor Act 1970, and for related matters.

Hon Tom Stephens advised the House that the reason for the judge's decision in the Woolworths case in Broome was the fact that he could not make any judgment on the health of people and the consumption of alcohol. This Bill appears to go a long way towards allaying some of his fears that he was overstepping the mark somewhat in being asked to make a judgment on something about which he did not think he was competent to judge. That is an important issue for us to bear in mind. We must be very careful that we do not go down the path of prohibition. We must be very careful not to take the track that was taken in so many places in the past which stopped people from enjoying the benefits of having liquor available to them where and when they wanted it. The Bill tries to meet all the concerns the community has and the purpose of the Bill is to ensure that it reflects people's aspirations in the future.

I follow on from the closing words of Hon Tom Stephens about the situation in Newman. Members will be aware that my office is in Newman. Over the Anzac Day weekend I was approached by a number of people who showed a great deal of concern at the application to open a liquor outlet in the shopping centre. I do not agree with my comrade that we do not need more liquor outlets. I do not believe that it is our responsibility to say that. We are in a position where market forces will determine how many outlets there should or should not be. I share his concerns that the appropriateness of the shopping centre as a liquor outlet has definitely not been proved. The House also knows that in the nine years that I lived in South Hedland, my office was located in the South Hedland shopping centre. One could see the difference between the atmosphere of the South Hedland shopping centre and that of the Newman shopping centre in that a liquor outlet was located in the South Hedland shopping centre, which meant that the ability of families to meet and engage in social intercourse was restricted, because one inevitably had people who were affected by alcohol going to the liquor store to recharge their wine stocks, or to do whatever. They invariably behaved in a manner that was not conducive to families meeting in that centre. Woolworths and Coles and any other major shopping outlet will say they do not build shopping centres for people to go to and exchange thoughts and to gossip and catch up with each other in an airconditioned and safe environment. Nonetheless that is what happens; they do pervade the shopping centres, which do get used for that purpose.

I am strongly opposed to the atmosphere of that shopping centre being altered by a liquor outlet being established in the shopping centre itself. Across the car park there is a liquor outlet that has similar hours to those of the shopping centre, including late night trading. A hundred metres down the road there is a pub. People are able to go to the shopping centre and to the liquor store and buy booze when they do the weekly shopping, as I do myself with my wife sometimes. I do not have a problem with that. That purchase of liquor can be carried out at that shopping centre. The car park is between the shopping centre and the liquor outlet. I would be the last to object to a private individual wanting to open up a liquor store by the car park; that is market forces. However, I object to having a liquor store in the shopping centre destroying the ambience of the shopping centre even though people are not being inconvenienced. That is one thing that members need to be aware of. I am opposing that proposal. I have sent a letter of opposition to the Liquor Licensing Authority. I, along with a number of other people, including the tenants of the shopping centre, hope that objection will be listened to.

Members of the Labor Party are anxious for this Bill to be passed and become an Act. Contained within it are provisions for the community to be heard. It is not designed to pre-empt what may be thought in the future or to correct only the mistakes made in the past. During the Committee stage members will find out whether this Bill will provide the means to attack those things that have been brought to their attention that cause distress to some communities and whether the Bill will meet people's aspirations and needs. The Minister and his staff are to be

congratulated because they have not had blinkers on and have not tried to deal with this as only a metropolitan area problem. They have not said that booze is the cause of all evil. A Bill has been put together that will allow the people of Western Australia, including the people I represent in the Mining and Pastoral Region, to achieve some of the things that they are talking to members about.

The Bill allows members to respond to the community's desires about the days of the week that liquor should be available and the types of liquor that should be available. We are aware that in Halls Creek and Fitzroy Crossing the liquor outlets and the community have met and taken some gigantic steps. It is quite heroic for a person running a business to agree to restrict the sale of his commodity. The retailers have listened to the needs of the community in the same way as this Minister has done. The Minister has given people the ability to respond to those needs. In this case we have Aboriginal people who are looking for a solution to what is a mostly Aboriginal problem in remote areas like Halls Creek and Fitzroy Crossing.

Some exciting new developments are taking place to try to avoid riots like the one in Halls Creek last year. No findings were made about the causes of that riot; however, it appears that it was just people who were affected by liquor. As with everything we see in the Press there was an additional dimension, because they were people who were not used to drinking alcohol, who had time on their hands and were in from communities that were dry, combined with tensions between families, a lack of employment and many other things that are not peculiar to the Aboriginal community. All those things caused the riot in Halls Creek.

Hopefully this Bill will help to address some of the issues that have been highlighted in those communities. Some communities have used the Aboriginal Communities Act to prohibit the consumption of alcohol within the boundaries of their communities. For some time, and it is now being formalised, communities have been deciding that rather than prohibit any booze at all in their areas, alcohol will be allowed under very restricted circumstances that are monitored and that meet the needs of the people. That should discourage people from leaving largely alcohol free communities and going to places where alcohol is openly available. The current restriction and the strong sense of responsibility exhibited by both the liquor outlets and the community did not stop the riot in Halls Creek last year.

I think the Bill will meet the concerns that I share with my colleague, Hon Tom Stephens. With the strong emphasis on meeting the needs of Aboriginal communities and Aboriginal spokesmen there is concern that the Bill may be racially discriminatory with its application of who will and will not have liquor, how they will have it and how much they will have. I think the Bill shows that the colour of people's skin will not determine what or how much they drink. I hope the Minister will be able to answer these concerns during the Committee stage and that members can ensure that those things are addressed.

The Labor Party forecast some amendments which may or may not be necessary. I listened to only some of Hon Tom Stephens' contribution and I do not know whether he touched on the amendment to section 64 which deals with a person who sells liquor being required to do certain things which may fly in the face of obligations imposed upon him rather than saying he or she is authorised to do that. The Labor Party needs an assurance on this matter and perhaps that amendment will not be necessary.

The other issue for which the Labor Party needs an assurance from the Government is whether an Aboriginal community's by-laws can be adhered to under the terms of this Bill. Will the community's concerns be met when a liquor licence application is before the appropriate body - I do not know whether it will be the Liquor Licensing Court now? If we receive that assurance we may not have to put forward amendments to meet those concerns. I received only a quick briefing on the Bill but I was shown enough of the wording for the Labor Party to hold these concerns.

I repeat that the Labor Party is anxious that this Bill be passed speedily but not with so much speed that things are missed and mistakes made. These amendments and this Bill are necessary because it is believed that mistakes were made in the past and that when a person with the appropriate authority was given the responsibility to grant liquor licences he did not have certain powers that he believed he had. Some people say that the judge was pedantic in his findings, and was drawing a long bow with his determination. He certainly stirred up a number of people in Broome when he stated that he could not make the findings that we thought he could make. Perhaps we can view his decision with some sympathy because he assumed that the Act did not allow him to take into consideration health concerns. We believe that this Bill can do that. The Opposition supports the Bill.

HON NORM KELLY (East Metropolitan) [8.30 pm]: I express the Australian Democrats' support for this Bill, although we have reservations not only about what is contained in the Bill but also, importantly, what is not contained in the Bill. Some of our reservations relate to such things as trading hours, the ongoing viability of small businesses in this industry and the social impacts which will be implemented by changes present in the Bill. We welcome the emphasis on harm minimisation and strengthening of the powers of the Director of Liquor Licensing. When we consider the impacts of this Bill we must consider the extreme social impacts that liquor has on our society. I will detail some of those impacts of what is society's most dangerous drug.

In Western Australia between 1981 and 1990 in about 25 000 hospital admissions the principal diagnosis was wholly attributable to alcohol and in a further 40 000 admissions the secondary diagnosis was wholly attributable to alcohol. These figures do not take into account those incidents where alcohol plays a major contributing factor such as motor vehicle and workplace accidents. Alcohol also accounts for 23 per cent of drug related deaths in this State. It is estimated that Western Australian taxpayers pay a total public cost of \$690m a year for excess alcohol consumption. That is mainly through the administration of the health system in the State.

Hon Max Evans: Who worked out that figure?

Hon NORM KELLY: I do not have the reference here, but I can provide it to the Minister. Homicide statistics show that 34 per cent of all offenders and 31 per cent of all victims are under the influence of alcohol at the time of the incident. These are some examples of the severe impacts that this drug has on our society and are the reasons we must be extremely careful when we legislate for its consumption. It is for these reasons that we should recognise alcohol as a special commodity, and that its sale and consumption should not be left totally to the powers of market forces to regulate. I disagree with Hon Tom Helm on that point. We must listen to the expectations in the community to control the sale of liquor.

A false argument was brought up in the other place to regard alcohol as a consumer item as we do hardware, hamburgers or whatever. We must be clear that it is not like any other consumer item. It is a dangerous drug and as such it should be regulated in a similar way to the regulation of prescription or other dangerous drugs in our society.

The liquor industry makes a positive contribution to our society, especially in areas such as entertainment and tourism and in particular in country areas where the contribution can be more profound. For example, local hotels provide a social hub for the community, and they generally provide facilities such as meeting rooms and the like either free of charge or at minimal cost. The centrepiece that hotels have in our society is probably part of the Australian history and tradition. It is also reassuring to see that the hotel industry has moved with the times and accepts that changes need to be made. That is evident with a good many hoteliers. Often their main constraint in implementing change is financial. It becomes a matter of the competing interests between the economic imperatives of the industry and the social implications for our society.

This Bill is a result of an extensive consultative process which was brought about originally by the Mattingley report. The Minister's response to that report was tabled in the middle of 1995. That resulted in an earlier draft of this Bill, and then finally the Bill that is before us. This consultative process has resulted in wide ranging support in the liquor industry and also in social welfare and medical groups. It is reassuring to see support from such a wide variety of groups which are often at loggerheads. This sense of cohesion has been brought about through consultation in the policy development stages of this Bill. I congratulate the Minister for his work and his sincerity, which has ensured that this consultation has taken place.

I will make a couple of points about the enforcement of liquor laws, particularly the police enforcement of those laws. As much as I support many of the changes in the Bill their effectiveness cannot be determined until we see the new Act in force and how the new provisions are enforced. I refer to a comment which was made in an article on alcohol use and abuse and law enforcement that hits on the idea that having laws is one thing, but having those laws on the Statute books does not guarantee their enforcement. A study by Inspector Jeffs states that many of those who criticise the idea of legal control over alcohol use and point to the apparent failure of the law worldwide to cope adequately with the problem seem to have the naive belief that just because a law exists it is automatically obeyed. What is necessary is a monitoring of levels of enforcement, for if a law is not seen to be enforced it will not be effective. We need to ensure we have effective monitoring so that the laws are enforced.

The fact that many police officers shy from enforcing the provisions of licensing Acts is evidenced by the rare prosecution of licensed premise operators for selling alcohol to intoxicated persons. The annual report of the Office of Racing, Gaming and Liquor states that only one successful prosecution was launched by the police for serving a drunken patron in the 1996-97 financial year. Apparently on that occasion in Geraldton the patron was asleep on the hotel dance floor and could not be woken up. It seemed to be a reasonably extreme example of intoxication.

I am happy to see that the Act will be strengthened by a more workable and enforceable definition of drunkenness which will go a good way towards assisting the police to bring about prosecutions. A clearer definition of the term would also assist the hotel industry. However, legitimate concerns were raised by the Alcohol Advisory Council relating to the current system handled by the Police Force and the one before it. A paper which was handed to me states that the police liquor squad has been disbanded, and liquor licensing officers are currently restricted to operating between 9.00 am and 5.00 pm, when problems in clubs and pubs rarely happen. It states that if the Government is to make a real impact on the level of alcohol-related harm it must provide the resources for liquor authorities to enforce its much improved Liquor Licensing Act.

I understand that some of the problems have been partly addressed. I understand also that the disbanding of the liquor squad was followed by the training of the general Police Force in the handling of liquor licensing matters. However, the main problem was the insufficient transition period to allow the training of other officers before the squad was disbanded. I have spoken to members of the former liquor squad, who expressed those concerns.

Hon Max Evans: I would be interested to hear what the former liquor squad members said.

Hon NORM KELLY: A number of them have since left the force. Only a few remain, and they have been dispersed throughout the various police stations. The task of those members is to educate other police officers about the Act. They are having varying degrees of success. Their main concern was that although the Police Academy is training officers fairly well, there has been a serious lag between disbanding of the liquor squad and training the general police officers.

Hon Max Evans: Did they explain how much work they did, and how successful they were? It could not be done in five minutes.

Hon NORM KELLY: I understand the reasons for the liquor squad being disbanded, but the main problem stemmed from introducing a new system.

Hon Max Evans: The new legislation will be easier to administer.

Hon NORM KELLY: We look forward to the introduction of infringement notices and, through regulation, a system of demerit points against licensees and managers. This will create a more workable system than the current one.

I would like to make a point about the increase in penalties which, in some cases, will be increased from \$5 000 to \$30 000. On the face of it, it may seem to be a much tougher penalty. However, the Alcohol Advisory Council has stated that the provisions may not be as effective as we may wish them to be. The council states very high fines may unintentionally defeat their intended purpose by inducing individual licensees to team up with their colleagues to pay the costs of senior legal counsel to defend the fines in the Magistrate's Court. This may further entrench the current police fear of launching prosecutions. That is why I think a combination of a better trained Police Force and a system of demerit points and infringement notices will enable the police to better enforce the provisions of the Act.

I have not conferred with the police officers in detail in order to discover how well they are implementing the Act currently, but I have been advised of problems due to only uniformed police officers enforcing the Act. When they investigate premises where underage individuals are being served alcohol or are intoxicated, it is difficult for officers in uniform to catch people in the act.

The new Act will contain powers for the director to impose conditions to restrict promotions and discounting practices which encourage binge drinking or intoxication. We support this provision. Recently I heard about a hotel close to the city offering tickets for half price drinks. It appears that as long as people stayed for a few hours longer than planned they could obtain cheap drinks all night. That sort of promotion encourages excessive drinking.

Hon Max Evans: Was that recently?

Hon NORM KELLY: It was about two months ago. I did not obtain the full details at the time, so I could not pass on the information. I understand that the police are cracking down on such promotions; and it will be easier for the director to crack down on such promotions under the new legislation. I believe that a minority of establishments resort to that type of behaviour.

As Hon Tom Helm and Hon Tom Stephens said, these provisions will address the problems faced in the far north of the State. We will be able to impose the provisions of section 64 as amended.

I turn now to Aboriginal drinking. A booklet entitled "As a Matter of Fact" was sent to me by the Aboriginal and Torres Strait Islander Commission. An article refers to Aboriginal people experiencing problems with alcohol. It states -

In the National Drug Strategy surveys of 1993 and 1994 it was found that there was a lower proportion of current regular drinkers in the Indigenous population (33 per cent) than in the general population (45 per cent). Over twice as many urban Indigenous people said they no longer drank alcohol than did their counterparts in the general population (22 per cent versus 9 per cent) . . .

The stereotyping of Aboriginal people as problem drinkers is exacerbated by the often public nature of Aboriginal drinking. Many Aboriginal people either prefer, for cultural reasons, to drink outdoors or are forced to drink in public because of homelessness and/or the discriminatory attitudes of some licensees. This makes Aboriginal drinking and drinkers much more visible than their non-Indigenous counterparts.

I hope that partly explains some of the misconceptions that the general public has about Aboriginal drinking in society. There are just as many problems with Aboriginal drinking as there are in the general population and those problems should be addressed in the same way. This Bill will go a long way toward giving all communities greater powers to control drinking.

Another provision in the Bill will increase the period prohibiting the resubmission of unsuccessful applications from 12 to 36 months. This is a very necessary provision, because in recent years, major companies have worn down both financially and emotionally the smaller independent operators. Large companies have the resources to resubmit applications, and independent operators or local communities must put in new objections to complaints. At least the three year period will create more breathing space between the applications which, in the past, have been made available to wear down and financially restrict the independent operators. I am aware that on occasions some major liquor retailers have successfully objected to an application for a liquor store licence, and have made their own application for a licensed store on the same site. This is another way by which they can use their substantial resources to infiltrate the market.

Hon Max Evans: Can you explain that again?

Hon NORM KELLY: This matter has been brought to my attention just in the past few days.

Hon Max Evans: It is new to me too.

Hon NORM KELLY: If a family business made an application for a new liquor store licence, a major retailer might object to that application and it might be denied. However, that major retailer might then make a successful application for the same site, because it had the financial resources to do that.

The Bill deals with complaints about noise and disturbance and provides that rather than at least 10 people having to lodge an objection, an individual can lodge an objection with the director. That will make it easier for people to have their objections heard. We support that change to the Act, although we have some concerns that the lack of accountability of the director for his or her decisions may be heightened by this provision. The Government will need to be aware of this and ensure that the director's actions are open and publicly accountable.

The Democrats believe that the people who serve alcohol must take responsibility for their actions. It has been put to us that all staff who serve alcohol should undergo training in the responsible serving of alcohol. Although on the surface that may sound like a good idea, we also recognise the transient nature of much of the work force in the liquor industry, and we believe that if all bar staff were required to complete a recognised training course, many people would be precluded from engaging in this form of employment. Given that a substantial number of the people in this industry are young and often in their first job, we believe that the responsibility should lie not necessarily with the manager or licensee but with at least one person who is on the premises at the time and who can support those young staff when they do have to turn away a person who is intoxicated.

The Bill provides also that restaurants may serve liquor without the provision of a meal if the liquor is consumed at a dining table and not more than 20 per cent of the seating capacity for customers on the premises is available or being used at any one time for persons to consume liquor other than ancillary to a meal. This provision will still require an application for an extended trading permit, so a degree of control will still be provided. It is reassuring that this provision is supported by the sector of the industry that will be most affected.

I have received a letter from the Restaurant and Caterers Association (WA) Inc stating that it believes that is an eminently workable situation. We can understand why it would take that position. It is also reassuring that the Australian Hotels Association is not opposed to that provision. That suggests that it is a reasonable and well balanced amendment and is very much in line with the need to adapt the availability of alcohol to our society. It will also encourage our tourism industry. However, it will need to be monitored closely once it is implemented to ensure that it is working in the way which is intended.

I move now to trading hours and to some matters about which the Democrats have serious concerns. Last year, the National Centre for Research into the Prevention of Drug Abuse at Curtin University examined the impact of extended trading permits for hotels in the Perth metropolitan area. The study found that the introduction of extended trading hours in metropolitan Perth has shown a corresponding shift in the timing of alcohol related incidents of harm, including road crashes and violent assaults, and an increase in the number of incidents.

I have looked at that research and am not totally convinced by the arguments, but I understand that it is saying not so much that there has been an increase in the number of incidents of violence but that they have been transferred to a later hour. Although that may not be a problem in itself, we need to ensure that sufficient services are provided to cater for that increased demand later at night, whether it be public transport or, more importantly, police resources. I understand that the police can oppose the grant of an extended trading permit, but I am not aware of the police doing

it on the basis that they have inadequate resources to service those later hours. That is more an issue for the Minister for Police to address and to ensure that those services are provided.

Hon Max Evans: The Curtin University paper did not spend much time on the cabaret owners who trade right through the night. It spent more time on the premises that operate from midnight to 2.00 am.

Hon NORM KELLY: Yes - not until 6.00 am when people come out of a nightclub.

The issue of liquor store trading hours and particularly of Sunday trading for liquor stores is very much at the forefront of the concerns of the Liquor Stores Association of WA Inc. However, during the consultative process that took place before this Bill came to us, it took the position that it would support the Bill in its present format and not push for Sunday trading for its members. It reached that position under what I could call some duress, because it has been waiting a long time to see this Bill dealt with in the Parliament, and it regards it as the lesser of two evils to go without Sunday trading if that will ensure the speedy passage of this Bill through the Parliament. Other aspects of the Bill will strengthen the position of liquor store operators, and we support that. I would like to make it clear -

Hon Max Evans: You should report that most liquor stores do not want to be open on a Sunday. Only a limited number do.

Hon NORM KELLY: I have a survey from the Liquor Stores Association of WA. I do not know whether it covers its entire membership. It found that the liquor stores do not want to be forced to open on a Sunday, but would like the option to do so. About 90 per cent of metropolitan stores and 70 per cent of country stores indicated that they wanted the rights to trade on a Sunday.

Hon Max Evans: When I suggested that it be made obligatory, they ran a mile.

Hon NORM KELLY: It brings up anomalies in the Sunday trading laws, and I will go into that a little later. We allow takeaway sales from hotels, but not from liquor stores. I can understand the arguments of the liquor stores that they want trading rights on a Sunday on the basis of equality, on economic business grounds or to protect the choice and prices paid on Sundays by the consumer. They see it more as a fair trading issue.

Some research by Reark Research in 1995 showed that almost 85 per cent of people surveyed wanted Sunday trading for freestanding liquor stores. Those surveyed were members of the general population. It also found that about 87 per cent believed if Sunday trading were permitted, it should not be discriminatory. Of those surveyed, 65 per cent said that they preferred to buy their liquor at non-hotel stores. A survey conducted by Roy Morgan Research Centre Pty Ltd in 1993 also found that about 65 per cent of female respondents preferred to buy packaged liquor in liquor stores. These reasons are quite valid. I know there is to be an examination of the liquor licensing laws under the national competition policy review and I am sure this issue will be addressed as part of that review. As a result of the review, we can expect to see further amendments come before Parliament. I am sure this issue could be dealt with at that stage, if not sooner.

The Australian Democrats also have concerns about the extra trading hours that are to be permitted under this new legislation, particularly for hotels on a Sunday. Instead of the current 12 o'clock to nine o'clock trading, the hours will be extended from 10.00 am to 10.00 pm. Basically, it will mean an extra three hours' trading on Sundays for hotels. Arguments have been put to me that that change is to facilitate public amenity, to allow people to have a bet on a Sunday morning on a race meeting in the eastern States.

Hon Max Evans: That is very important because the TAB needs the money.

Hon NORM KELLY: I will also deal with that a little later. In my consultations with people in my electorate I found that most are in favour of keeping the current trading hours. They do not support an extension of those trading hours on Sunday. In fact, only about 22 per cent of the respondents to my survey covering 1 000 members of my electorate stated that they would prefer to see longer trading hours than currently exist. It seems as though this push for extra hours -

Hon Max Evans: Was your survey asking specifically about Sundays or longer trading hours overall?

Hon NORM KELLY: My survey was about extending trading hours for the sale of liquor generally, not just on Sundays.

Hon Max Evans: It is important to distinguish between that and what you said about trading on Sundays. We are only talking about going from 116 hours to 119 hours a week. It is less than a 3 per cent increase.

Hon NORM KELLY: I am afraid I do not have a copy of the questionnaire with me, but in the question I put I referred to how the trading hours on a Sunday were to change and the extension of trading hours.

Hon Max Evans: As long as we get the facts right.

Hon NORM KELLY: It seems that this change is being driven by the economic imperative, rather than any demand from the community. If there is such a demand, I have not been presented with how it has manifested itself to the Minister or to the Office of Racing, Gaming and Liquor.

The issue of whether there should be a cap on the number of licences - that is, a limit on the number of licences held by any one individual, a company or groups of companies - has been the subject of much debate prior to the introduction of this Bill. It was previously known as the Liquorland clause. That organisation is the dominant liquor retailer in this State. For those members who are not aware, Liquorland also trades as Vintage Cellars and, more recently, as Charlie Carters Pty Ltd since the purchase of that chain by the Coles Myer group. Of course, that organisation is the parent company of Liquorland.

Although they have not been distributed yet, amendments will appear on the Supplementary Notice Paper to give effect to such a change. With these amendments I do not seek to prevent Liquorland from being a successful retailer in this State, but rather to prevent any company, not just Liquorland, from dominating a market to the point that it becomes anticompetitive. Currently Liquorland owns approximately 18 per cent of liquor store licences in this State. More importantly, it controls approximately 40 per cent of the liquor store turnover in this State. When we look at the top 50 ranking liquor stores in Western Australia, based on turnover, we can see how this market domination can occur. Liquorland has only three of the top 10 liquor stores in this State. The list of the top 50 liquor stores shows that Liquorland has 27 in this State. This is how it manages to achieve such a substantial market share. As I said, this is not an attack on Liquorland. This list of the top 50 liquor stores also shows that, whereas Liquorland has only three, the Woolworths group has five of the top 10 liquor stores in this State. It has only seven in the top 50, but it has a concentration in the upper end of the high turnover stores. I have a concern that these major companies could dominate through their increased purchasing power and other corporate policies to squeeze out independent operators. I have been provided with a list of liquor stores, arranged on a state electorate by electorate basis. In the state electorate covering Innaloo, there are seven liquor store outlets, of which six are owned by Liquorland. We must look not only at the overall State context, but also at the localised monopolies that can develop in this way.

The Australian Democrats will argue that a cap, which in my original amendments was set at 15 per cent of liquor stores, should stand at 10 per cent. The Australian Democrats strongly feel it would not breach any state or commonwealth legislation and it would not be going against competition principle agreements that have been signed. When it comes to who supports a cap on liquor licences, I received a letter dated 7 April from Trevor Wright, the President of the Liquor Industry Council of WA, which states -

I wish to confirm that regardless of any advice that you may have received to the contrary, it remains the policy of this Council to seek such an amendment to this Bill.

He is referring to the 10 per cent cap. I can assure members that this is the current position of this council.

Hon Max Evans: What is the purpose in the Bill of which you have given notice to introduce? Is it the same thing?

Hon NORM KELLY: I was about to come to that.

Hon Max Evans: You are running out of time. That is why I asked the question.

Hon NORM KELLY: I am fully aware of the reason for the urgency to have this Bill passed through the Parliament. The vast majority of provisions will be for the benefit of both the people in the industry and those in the general community. For that reason, I will not be moving the amendments that appear on the Notice Paper unless there are amendments which would necessitate this Bill going back to the other place for further debate. I would like to see this Bill pass this House unamended and then be speedily assented to and proclaimed. I have given notice that I intend to introduce a liquor licensing amendment Bill so that those provisions that appear on the Supplementary Notice Paper will then appear in that Bill, so that we can have that debate reasonably soon, I would like to think, but without delaying the passage of the Government's Bill in the meantime.

I also make a few brief comments on a proposal that the Australian Democrats have put forward relating to the hotel and tavern category of liquor licences and the possibility of allowing hoteliers to split their licences into on site and off site consumption components. We feel that this proposal would provide hoteliers with the opportunity to streamline their businesses if they needed to. They could sell off an unprofitable part of their business. I have spoken to the Minister and to various industry groups about this. We feel that it has a lot of merit. I understand that it has worked quite successfully in South Africa in revamping their liquor laws. I look forward to having a response from the hotel industry on its thoughts on such a proposal. I will put it forward to the Ministers' review processes for the national competition policy as well because it does impinge quite strongly on that.

I am trying not only to provide an alternative for those hoteliers who may be struggling in their current businesses,

but also to delineate on site and off site consumption sales so we can address takeaway sales as an issue in itself, so when it comes back to issues such as Sunday trading for liquor stores, we can talk about that as an issue relating to takeaway sales rather than liquor stores versus hotels. In the current situation it is possible for a hotelier to split his business in such a way that he can have two operators running that business, with one running the hotel component and another running the takeaway component. Technically it is legally possible but it is far easier to implement that in legislation. This amendment is out with the various industry groups. I have given them my assurance that I will not act any further until I get appropriate feedback from those groups so we can proceed further. Hopefully they will be able to give me some good input on factors I have not considered.

I thank the Government for putting forward and passing those amendments in the other place as that has taken a lot of the immediate concerns of the industry into account and has suitably addressed those concerns.

I want to talk about other issues such as factors affecting the viability of the hotel industry. One such factor is gambling. I will briefly touch on the concerns we have about increased gambling in hotels in its various guises. We currently have it widespread with PubTabs throughout the State. The combination of gambling and liquor is extremely dangerous although it is quite well managed at the moment. Extensions to forms of gambling, especially addictive forms of gambling, would be very much to the detriment of this State in many ways and I appreciate the support of not only the Government and the Minister, but also the Opposition in opposing such changes. For the reasons I have just stated, I express the Democrats' full support for the Bill.

HON J.A. SCOTT (South Metropolitan) [9.16 pm]: I am not sure whether to be pleased or upset that the previous speaker has covered practically every point I was about to raise. I dare say that most of the House is fairly pleased about that.

I will not go through the whole subject but merely say that the Greens (WA) support the Bill. We think there are many good aspects to the Bill, particularly with the primary object being harm minimisation. That is very important in this day and age knowing the problems that are caused by excessive alcohol consumption and the misuse of alcohol. We are pleased that the licensees and managers will be required to demonstrate mandatory knowledge of liquor licensing laws and responsible serving practices. I wonder why the person seeking the approval "may be required" to attend relevant training accredited courses rather than "being required" to do so, because we are talking about an industry in which if people are irresponsible or lacking in good sense and give too much alcohol to people driving cars, it can cause death and violence in some cases. It would be better to require that they do it rather than say they may have to do it.

Hon Max Evans: A lot of them have. The others may be those who should do it.

Hon J.A. SCOTT: I wondered whether the Minister meant that or not.

Tackling the problem of irresponsible promotion and excessive consumption of alcohol is also very laudable. The flexibility to fit in with the by-laws and the Aboriginal Communities Act is very good, as is the tightening of the interpretation of what constitutes drunkenness. I have certainly seen hotels, particularly in outback areas, where it was only when people were on all fours that they were considered to be past serving. We need to tighten up on that sort of behaviour.

I believe that a great deal must come from the public. I am aware of some of the education programs happening; some of those are pretty good, especially for young people. I do not know how effective they are. They appear to be very good advertisements and so on, but at the end of the day, the people who have to be responsible are the drinkers themselves. Things are changing a bit, which is good to see, but we still have a long way to go. I think the introduction of a system of demerit points is good. I imagine that, just as drivers are a bit more careful when they build up more demerit points, this system will have the same effect on publicans or licence holders.

Hon Max Evans: Even more effect on the public than profit from having a business.

Hon J.A. SCOTT: Yes indeed. In his second reading speech the Minister said -

Members will appreciate that the nature of this legislation requires that the interests of several competing industry groups and those of the general community are carefully balanced.

That was obvious in the extensive lobbying that went on from all sectors of the community and the industry. Certainly, a reasonable compromise has been reached throughout the Bill. One section dealing with complaint provisions that will allow allegations of noise to be made by an individual, will have an effect in the area in which my electorate office is located in Fremantle. A large community is living close to the city and problems have been encountered in the past, and will continue to be. Some of the behaviour is such that individuals should be able to make complaints about it, and that will make quite a difference.

I have some concerns about the extension of trading hours, not so much the changes to hotel and tavern Sunday trading hours, but more the idea that trading in any commodity, liquor or otherwise, must be available every day of the year. I wonder whether it is necessary and whether there should be a day off. I do not think it would hurt people to stock up and keep supplies in their refrigerators at home if they are desperate. I recognise that this is a multicultural society and most holidays are based on Christian beliefs and sensibilities. Nevertheless, the holiness is all with the dollar these days, and perhaps some days should be set aside on which trading is not allowed. I will not argue against the Bill on that basis. It is not a big change, but I want to place on the record that there should be fewer days rather than more days, and fewer hours rather than more hours for trading. A little peace and quiet in the community would be appreciated, particularly in city areas.

The licensing process seems to be good. It will allow licensees to appeal against decisions on both applications for licences and breaches. An appeal system will be provided beyond the first step. The reasoning behind the increase from 12 months to 36 months for resubmission is good, as is removal of the requirement for businesses to be open during all available trading hours. That is a silly requirement. Quite clearly, at certain times people will lose money if they are open for trading and there is no point in their doing so. I do not think it advantages anyone.

Hon Norm Kelly mentioned the cap on the number of licences that can be held by one organisation or an individual. I had some concerns in that regard and I was pleased he raised the matter despite the fact that it is no longer a feature of this Bill. I have been concerned about the erosion of smaller businesses in this State and, as a result of the so-called increased competition, large organisations, because of their buying power, are able to buy things more cheaply than can smaller operators. I wonder whether that is anti-competitive, and should be looked at with regard to the anti-competition laws. Everybody should be able to buy products at the same price, give or take a certain amount for handling costs. Clearly, many smaller businesses are closing down in the community and there will be much more of that as some of the petrol station retailers, which are springing up in other countries, move into Australia. I believe they are already doing so.

Hon Max Evans: An application will be made by Gull.

Hon J.A. SCOTT: That is a bad thing for our society on many levels. Regional economies are destroyed in that way, and very large operators taking profits from a region become the order of the day rather than an unusual situation. We will rob ourselves as a community in the long term if we do not tackle that problem. I support the Bill.

HON MARK NEVILL (Mining and Pastoral) [9.27 pm]: I compliment the Government on the Bill. I have looked at it in some detail only in the past day or two, and it is a marked improvement on the previous legislation. It is good to see that health concerns are now built into the objectives of the Bill. My concern with this legislation relates to the Aboriginal population, who represent a significant proportion of my electorate. Alcohol consumption in the Kimberley and the goldfields leaves the rest of the State behind, and a large amount of that alcohol is consumed by Aboriginal people. It is a real problem and I would like some provisions incorporated in the Bill whereby damage to the health of Aboriginal people as a result of alcohol consumption can be minimised. In that respect I rely heavily on the Northern Territory Liquor Act. Many sections of the Northern Territory Act address issues relating to Aboriginal people.

The more I read that Act, the more I realised that many sections of the existing Western Australian Act have provisions that have not been used within the community to the extent they should. Section 31 of the Northern Territory Act has a rather neat provision relating to the conditions of a licence. Its Liquor Commission can determine the conditions of a licence. It has been very useful in Tennant Creek in particular. It has a grog free day on Thursday, when no alcohol is served. Thursday is unemployment benefit or pension day. People can buy a bit of food and pay a few bills before they drop into the local hotel or the liquor store. It has restrictions on takeaways and has no public bar sales. I am not sure whether this Bill provides for a grog free day. It refers to times; therefore, it could be read to include days. I would like the provision to be more specific. We spent a couple of hours tonight discussing some minor amendments to proposed section 64 to ensure that capacity is provided to deal with some of these problems.

Under the Northern Territory Act a hotel is given a liquor licence which contains a number of conditions. Since the Tennant Creek Hotel has adopted controls the rate of offending has dropped dramatically. That means fewer health and community costs, less trouble for the police, fewer people in prisons, and fewer people in hospitals. It has many benefits.

Hon Max Evans: What are the restrictions on the hotel?

Hon MARK NEVILL: I will cover some of the conditions that are more unusual. There is a requirement for the licensee to maintain a reasonable range and stock of soft drinks and fruit juices to the satisfaction of the Registrar of the Northern Territory Liquor Commission. Proposed section 41(2) of the Bill before the House reads -

. . . the licensee . . . is required -

- (a) to sell liquor on the premises to any person for consumption on the premises;

It should be amended to read "to sell liquor and other refreshments on the premises to any person for consumption on the premises". Many hotels sell coffee. There should be a requirement for hotels to provide water to people or at least to carry refreshments other than alcoholic drinks.

Hon Max Evans: I can always get a lemon squash.

Hon MARK NEVILL: Hotels in some of the smaller towns may not stock a great range of non-alcoholic drinks or may be reluctant to serve them because the margin on them is not big enough.

The licence provides that the Tennant Creek Hotel lounge bar is allowed to sell alcohol from 10.00 am typically to midnight. However, on Fridays and Saturdays it can open until 2.00 am. I think from midnight it operates under a nightclub licence, which requires that patrons pay an entry free. It ceases to become a public house and becomes a nightclub. If patrons leave for more than 15 minutes they must pay again to get in. That stops people full of alcohol wandering around the town. It is open between noon and midnight on Thursday, the grog free day. It is a different story in the front bar and the beer garden. On Thursdays they are not open but on most weekdays they are open from 10.00 am until nine o'clock at night, not midnight. The hours are restricted. The following conditions apply to the front bar -

Hon Max Evans: Are they obligatory hours? We are taking them away. Does the licence require that they must open for those hours?

Hon MARK NEVILL: I think it is obligatory. It says "trading hours shall be", although "shall" does not always mean "must".

Hon Simon O'Brien: What happens on Thursday when the lounge bar is open? Do the patrons at the front bar of the beer garden all cram into the lounge bar?

Hon MARK NEVILL: Other requirements apply, such as dress standards. Undoubtedly a little bit of racism is involved in this, although the motive is not to suppress people; it is positive. Some of the conditions in the front bar are as follows -

- (a) Wine is only to be sold when accompanied by a substantial meal; and
- (b) Light beer ONLY and no other alcoholic drink is to be sold between the hours of 10:00 and 12:00 on any Monday, Tuesday or Wednesday.

People cannot get alcohol before 10.00 am and from then they must drink low alcohol beer until 12 o'clock. There is some sense in that. There is no trading on Good Friday and Christmas Day, and each Thursday it is closed.

The hotel has a restaurant the hours of which are from 10.00 am until midnight. Sparkling wine is to be served only with breakfast. I do not know the reason for that - I am referring to the Northern Territory. There are requirements for meals and snacks.

Hon Max Evans: Is that obligatory?

Hon MARK NEVILL: By choice I imagine.

I do not know what the Shaft is; there is a Shaft bar at the Palace Hotel in Kalgoorlie. It seems the Shaft trades from midday to midnight on Sundays and Mondays.

Hon Max Evans: You need a computer to keep track of all the opening hours.

Hon MARK NEVILL: The Shaft bar is open. Meals must be provided and entertainment is provided, so that could involve a cover fee. Special conditions are attached to the licence. Under the heading of "Takeaway Hours" it reads -

- (a) Liquor shall be sold only for consumption away from the premises during the following hours:
 - (a) On each Monday, Tuesday, Wednesday and Friday between the hours of 12:00 and 21:00;
 - (b) On each Saturday, Sunday and Public Holiday between the hours of 10:00 and 21:00; and
 - (c) Thursdays, Good Fridays and Christmas Day closed.

The takeaway restrictions are interesting. The conditions read -

The following restrictions apply to the takeaway facility:

- (a) Sales of all wines in casks of greater than two (2) litre capacity are prohibited;
- (b) Sales of wine in casks having a volume of two (2) litres or less are restricted to one (1) transaction per person per day;
- (c) Sales of wine in glass containers of capacity greater than one (1) litre are prohibited.
- (d) Liquor may not be sold to a taxi driver where the taxi driver is acting as purchasing agent for a third party, or in circumstances which might lead the reasonable man -

I suppose that should read "the reasonable person".

- to believe that the liquor purchased is not for the taxi driver's personal consumption.

Hon Max Evans: It is common in the Northern Territory to have dry towns.

Hon MARK NEVILL: Similar to provisions in our Act, the licensee shall not provide credit. I am not sure whether that is adhered to. I know people get credit at the Strangers' Bar here at Parliament House, but I am informed by my colleagues that we do not require a licence.

Hon Max Evans: I will fix that!

Hon MARK NEVILL: Perhaps we should not interfere with that arrangement. Bona fide lodgers can get liquor more freely. The sale of fortified wines such as ports and sheries for removal and consumption away from the premises is restricted to containers of not more than 1125ml capacity.

Most of those features are capable of being included as a condition on a licence or of being introduced in some way under the current Bill. There is some query in that regard. It talks about containers, not the amount to be taken away or the capacity of the containers. We are obtaining advice on that matter, and Hon Tom Stephens will probably move an amendment, if one is warranted, in the Committee stage. That is a sensible approach.

I am very disappointed that amendment such as the old dog act has not been included as part of this Bill. In the Halls Creek pub, names were written in chalk at the back of the bar of any person put on the dog act; that is, they were not allowed to have a drink. A story circulated about Bishop Jobst, the Catholic Bishop in the early 1960s. Someone on the dog act thought that a good way to get a beer was to sidle up to the Bishop at the bar and hope he would offer to buy him a round. He did not think the barman would object to His Grace buying someone a beer. Somebody on the dog act managed to get the Bishop of the Kimberley to buy him a beer by that means at the Halls Creek pub.

The Northern Territory Act contains trespass orders whereby people - I am not sure if it is under the liquor Act or a separate trespass Act - causing problems at the hotel by being abusive or whatever, can have a trespass order placed on them. They are then banned from the pub for three or six months. That might be a useful provision in our Liquor Licensing Act to deal with troublemakers. Once a person is banned from one pub in a small town, scope to get a drink is limited. This might create some better behaviour. If a person's beer is cut off by the barman, he is required to leave the hotel. If he does not, the person can be subject to a trespass order and be removed from the bar.

Also, I would like the Bill to contain some requirement that bigger hotels install alcoholisers. These are machines into which one inserts a dollar and blows into a straw. They are more accurate than breathalysers and one can achieve an accurate reading of alcohol levels before driving the car home.

Hon Simon O'Brien: Hon Greg Smith has a motion on the Notice Paper with a similar suggestion.

Hon MARK NEVILL: Is that for his own benefit?

Hon Simon O'Brien: For general public, as well as personal, use.

Hon MARK NEVILL: On a less light note, I support the proposal to cap the number of licences held by Coles Myer Ltd. I do not know whether the Opposition has a formulated position on that matter, and I assume that that will be outlined when we reach the third reading. Coles Myer has a strong market position in Western Australia. I will not argue about the percentage of the market. However, it is a very well run and efficient company and it deserves its success. Anyone who has 30 or 40 per cent of the market has a very powerful position. Coles Myer Ltd could have the capacity to increase that market share substantially if liquor licences are not made easier to obtain. I do not have much sympathy for Coles Myer in this situation. The latest issue of *Labor Herald* referred to the top 50 donors to political parties which gave \$9.6m to the Liberal Party, and just over \$1m to the Labor Party.

Hon Simon O'Brien: It is an outrageous waste of a million dollars!

Hon MARK NEVILL: Coles Myer, a company which is keen on developing the democratic process in Australia and ensuring we have a strong democratic system, donated \$144 575 to the coalition.

Hon Max Evans: Is that all - with its turnover?

Hon MARK NEVILL: It is terrible, is it not? It donated \$46 900 to the ALP. I admit that the company is probably on a par with many companies which donate to both major parties, but many companies donate only to the coalition. We will ignore the Democrats and the Greens who are currently absent on parliamentary business; however, it is in the country's interest to have a strong Government and a strong Opposition. When the parties are lopsided, one has weak government. Coles Myer Ltd in its wisdom has donated a packet more to the coalition than to the ALP. Therefore, why should I have sympathy for that company? It is buying its favours by the look of it. Also, Mr Barry MacKinnon is that company's lobbyist. I do not know whether Hon Bob Pearce still has the partnership agreement with Mr MacKinnon, but he has not lobbied me on behalf of Coles-Liquorland. I will urge my colleagues to support the 15 per cent cap - in fact, Liquorland is fortunate that I am not moving an amendment to decrease the cap to 10 per cent.

Hon Tom Helm: Or 4 per cent!

Hon MARK NEVILL: Indeed. A few QCs' opinions are floating around on whether this cap is unconstitutional. I have read Malcolm McCusker's opinion; even that top silk in the State may be right or wrong, but nine times out of 10 one would be safe in backing Malcolm McCusker. That matter will be resolved tomorrow. Coles Myer, and its subsidiary Liquorland, cannot expect any favours from me when it behaves in such an unbalanced manner.

Hon Simon O'Brien: Do you have any information on the Maritime Union of Australia's donations to the Liberal Party? Is there any imbalance there?

Hon MARK NEVILL: About two weeks ago, Peter Reith thought it was a godsend to the Liberal Party, but things are not working out that way. It is said that a week is a long time in politics, and positions may be reversed halfway through next week. However, one thing is certain: The way the parties approached this issue is not the way to resolve such disputes.

While on the MUA, Mr President - I know you will give me one minute's latitude - it amazes me that one can never obtain independent information about the relative productivity of the wharves. One has invalid comparisons with Singapore, but one cannot find an objective comparison with a port with similar equipment moving a few containers off and around a ship. None of us knows whether the true situation is as bad or as good as we are told. Such information would be useful. I blame Hon Simon O'Brien for diverting me, Mr President.

I support the Bill and compliment the Minister on presenting the measure to the House.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [9.49 pm]: I thank all parties for their strong support for the legislation. I particularly note the comments about the great degree of cooperation members experienced from my staff and the appreciation of the work of the Mattingley committee.

The Bill has taken a long time to reach this stage; therefore, much good has arisen from the consideration given to it. Police, Health and Aboriginal Affairs had their say on the measure a couple of times in Cabinet. It has been well worked over for the advantage of everybody.

Hon Tom Stephens talked about the accords up north working well. I had a nice letter recently from the sergeant at Kununurra referring to Vagg's Liquor Store, and how responsible it had been in the accord. I spoke to the Mr Vagg's mother on another matter on the same day, and I rang her back when I received this letter. It is going well up there.

We have talked about the decision made by Woolworths (WA) Pty Ltd at Broome, but fortunately the directors reversed that decision and brought them into line.

Hon Mark Nevill: It was Derby.

Hon MAX EVANS: That is right. As Hon Tom Stephens and a number of other members said, alcohol abuse is one of the biggest problems we face, particularly in remote areas of Australia. Too much alcohol with cars, knives and guns leads to great tragedies. Even without them, the bashing of family members and enemies results from too much alcohol.

Hon Tom Stephens also referred to amendments to protect Aboriginal communities. He has had discussions with my chief executive officer tonight and I hope we have come to some agreement. The issue is well covered and the by-laws of the Aboriginal communities seem to be a very good method, in conjunction with the Liquor Act, to bring

about better controls. I said to the member earlier today when we were discussing this issue that if we were to make it too racist he would be the first member to criticise the Government. Members will recall that three or four years ago the owner of the Nullagine Hotel made his own rules prohibiting the sale of alcohol to some Aborigines. Some do-gooders took the matter to court and he was forced to change his rules. He was doing it for their own good. Not long after that Hon Tom Stephens wrote to me asking for help with a similar town. I told him to go away because we tried to help some people and the do-gooders destroyed the situation. A lot has happened since then. Accords have been introduced in many places and they are very good.

Hon Mark Nevill: And the Conglomerate Hotel has gone broke. The church got in and saved them all.

Hon MAX EVANS: That is interesting. They were trying to do the right thing and that is one way of doing it. The Fitzroy Crossing Hotel is partly owned by the Aboriginal community and I was very pleased to see the application for that.

Hon Tom Stephens also referred to the Dampier peninsula and semi-dry areas serving two cans a night. I read an article in *The Bulletin* that made mention of Hermannsburg in the Northern Territory, which is a dry town. The taxi drivers are making \$80 taking in casks of wine. I was interested in the member's comments about the hotel not being allowed to sell the wine to taxi drivers who will then sell it to someone else.

The intent is to work with the Aboriginal communities and help them help themselves. This is moving very quickly. Hon Tom Helm does not want dry areas; he supports the open approach and market forces. However, he did agree very strongly that an airconditioned shopping centre at Newman was not the appropriate place to put a new liquor store when there were already adequate facilities in the town.

The new legislation will recognise the views of the community. We must get the views of the Health Department and the Police Department. The legislation does not specifically include reference to Aborigines because they can be covered by the health provisions.

The Bill tries to cover all people in Western Australia. Geoff Aves has done a good job with Halls Creek, Fitzroy Crossing and other places with the limit on drinking times. Hours not being obligatory makes it much easier to do what needs to be done in that regard.

Hon Norm Kelly made some valid comments about Aboriginal health and he referred to the Alcohol and Drug Authority. I have found the authority to be very disappointing. I asked for three specific things the Government could do to stop alcohol consumption tomorrow. The officers simply prattled on about the research they have done. Not many of the measures to be undertaken came from the authority. I have always been very disappointed with its efforts. Perhaps if we solved the problem they would not have jobs, or the research keeps them busy.

Mention was made of uniformed police versus police in civilian dress. Previously the police had to be invited to a hotel if there was a problem. That will now change and we hope uniformed community police will make regular visits to hotels. The liquor squad has only 64 officers throughout Western Australia. Given those on annual and long service leave, very few are actually out there working. Kalgoorlie had only two officers. The police chiefs in the country towns had no control over the liquor squad. Those officers have tried to protect their position and I hope in the future it will be a lot stronger.

Many views were expressed about liquor stores trading on Sundays. About two months ago the liquor store decided that it wanted to drop this requirement. Under the competition policy it might be brought in at a later date. Hon Norm Kelly referred to that. Liquorland applied a lot of pressure to have its city store open in the tourist precinct on Sunday. In no time at all it was closed. Liquorland could not care less about the public wanting to buy liquor on Sunday.

Hon Jim Scott referred to anti-competitiveness, but he was more concerned about too much drinking throughout the year. Under the old taxing regime Liquorland had a greater benefit on the retail sale of liquor because the 11 per cent was on top of the freight cost. It hid the freight cost in another company and it could therefore sell liquor more cheaply. In future with the wholesale rate, it will not have that advantage, but it can still buy cheaper in large volumes.

Hon Mark Nevill mentioned Aboriginal health concerns. The Government is very keen to look at that issue. We will know tomorrow how we will handle that problem. I appreciate concerns expressed about the Aboriginal community. The Department of Aboriginal Affairs has been dealing with that. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.57 pm]: I move -

That the House do now adjourn.

Cockburn Sound - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [9.58 pm]: I rise to correct the record in relation to an article printed in *The West Australian* on Saturday, 11 April at page 37. I will quote, not too selectively, from that article, which was written by Geraldine Capp and which at the fifth paragraph states -

Australian Democrats MLC Norm Kelly claimed Labor had said it would support the disallowance motion.

Mr Scott said the Government had made no effort to compensate local residents for the loss of the beach.

"The Court Government is intent on pushing forward its plans for massive industrial expansion in Cockburn Sound with no regard for the environmental consequences," he said.

Some paragraphs later Hon Norm Kelly said -

Labor MLC John Halden had written to Cockburn residents to assure them the ALP would support the disallowance motion.

The article later states -

Mr Halden, who was absent from the vote, said a caucus meeting about a month ago had decided to oppose the motion.

The article later stated that the Australian Labor Party had never said it would oppose the rezoning.

As members may imagine, that caused me some embarrassment.

Hon Norm Kelly: Maybe you should have been here for the debate.

Hon JOHN HALDEN: That is as may be, but my presence would probably not have impacted on the facts. I decided to check the facts through the Australian Labor Party's Caucus records. I have extracted those minutes so that if members want to have them quoted, they will have the selected quotes and not the Caucus official minutes. On 25 November 1997 item 4.4 was the metropolitan region scheme amendments. The second was 986/33 Clarence Beach Road lots 167 and 168, Henderson industrial estate deferred from 11 November 1997. The recommendation in regard to 986/33 was that we support the disallowance. That was moved, seconded and carried. I have checked the Caucus records extensively. This matter was never raised again. It may well be that the Australian Labor Party did not want to support this or wanted to reconsider its position, but the correspondence I wrote to my constituents on the Labor Party's position was totally accurate on my position, which was that if this matter was in any way reconsidered, I would support their position. It was totally accurate because the matter was never reconsidered. Some of my colleagues have reported to community groups in the South Metropolitan Region which have a significant interest in this. Those groups have suggested that some of my colleagues have endeavoured to blacken my name in regard to this matter. I must be careful because I know that how people relate things is not always the case, but I know of members who have said that they came to the Parliament to make a significance difference. I am not sure whether they have. However, the only Caucus decision on this matter was very clear; that is, to support the disallowance. Whether or not it was correct, that is the Caucus decision. Whether or not it was wanted to be changed, it was not.

I did not vote in that matter. We all understand the rules of the Australian Labor Party. I was the only person who, in a bizarre way, did not breach the Caucus decision. Hon Ken Travers is right to be laughing about it. I say to those people who take the opportunity to blacken my name without knowing the facts that I take very great exception, but not from the point of view that this is a game of politics. I take great exception personally because in about January I have to face another matter where my name has been blackened. I do not want it blackened twice in some cheap political stunt in this place. The facts of the matter are as I have related them to you, Mr President, and to this House. If members wish me to table the exact terms of the Caucus motion - and I can assure them there is no other - I will do so. However, I take great exception to some members placing my personal freedom at jeopardy by this cheap political stunt.

Albany Foreshore Development - Adjournment Debate

HON BOB THOMAS (South West) [10.05 pm]: I want to take only a couple of minutes of the House's time to read into the *Hansard* a letter from Mr Fernando Crugnale, who has asked me to do so. The letter relates to probably the

most important issue in Albany at the moment, which is the foreshore redevelopment. A number of people like myself believe that the foreshore development is one of the best economic opportunities we have before us. It will be as important as the increased grain production and increased activity through our plantation woodchip and silica sand industries.

A number of people are endeavouring to stop the project because they believe that the housing component will cause the closure of the port and prevent access to the port for trucks. They say that this development will jeopardise the activity of the port. I do not agree with that and nor do many others. Mr Crugnale is probably one of the most vocal of those who support the project and is vocal in his criticism of the people who are trying to hold up the project. As a favour to Mr Crugnale I will read the letter that was sent by him to the Premier, Hon Richard Court, on 25 February this year. He wrote -

Dear Richard

ALBANY FORESHORE REDEVELOPMENT

I write in desperation at the travesty of misinformation and political gobbledegook that has taken over from common sense, in the debate of this matter.

You are a man of considerable experience of the democratic process. You must know, better than most, the capacity of these debates to get lost in the soup of misinformation and perception. You must therefore know that yielding to misinformed community pressure does not often do justice to the real long term interests of that community. I don't give a toss about party politics, I just want Albany to realise its potential.

Of course we can always do better. The urban designers and architects involved in this project are of the highest standard and have worked nationally and internationally. It is this quality of design that will attract residential development to the foreshore. This approach has been proven in port locations all around the world. If you are dissatisfied with the current designs you have the option employing an international architect. Only last year an international design competition was held for the next stage of Darling Harbour. I am very sure that they would recommend more residential than is currently proposed. Anyone who understands development will know that residential development is absolutely the number one priority to make this project really go.

This project is founded on expert knowledge and opinion. No-one is asking you or the public to take that for granted. Of course experts can make mistakes. But this expert opinion has been tested by all the planning authorities and found to be worthy of approval.

I own land in Albany, near the Albany Spinning Mills. I intend to develop it. It also overlooks the Port road before it gets to the foreshore area. Firstly, a development approval has got to mean something, if this country is going to have any credibility with external investors in the future of our communities. Secondly, I stand to lose money and reputation if the perceived noise factor is such a problem. I take these matters very seriously. But the clear evidence of my own experience and of this project is that this problem is not real but an unfounded fear.

I talked to Mr Monty House in Albany in January. I invited him to look at the project area with me to demonstrate that the noise issue was not a problem. I subsequently understand that Cabinet has acknowledged that noise is not a problem for this project. The opponents of this project can't keep their storey straight for two weeks in a row. First it was that the hotel was a problem, then the noise from trucks, now the residential. Every time an issue is debunked by the experts, they just think up another one.

It has become well known around this town that Mr Peacock has vowed that this project will never proceed with residential in it and that the Port User Group intends to stall it for as long as it takes, by raising red herring after red herring. Now Mr Peacock is talking about running for parliament. I wish he would.

How many opportunities have to be lost. How many resources have to be consumed. How much delay has to be tolerated. Why? Because a vested interest group representing the farming sector do not understand that the GSDC have already spent millions of dollars guaranteeing them exactly what they claim they are after: good port access that will not be constrained by future development. Its on the ground. It has been for years. Has everyone gone mad or just lost their memories along with the capacity to use their eyes.

The port road has been upgraded. The rail operations in Albany have been upgraded. All of this was done by the very project that is being attacked by these people. That such incompetence should become the dominant view of some politicians begs many questions about the competence of those politicians. In my view Mr House and other would be experts should get out of the way and let the real experts get on with the job.

When I talk to people in this town about this ridiculous situation, many of them tell me that if Jeff Kennet were our Premier that this project would have happened years ago.

Many years ago, my good friend Sir David Brand said to me that Albany had to become a real tourist town. Its scenic beauty had to be enhanced with good tourism development. Now, at last we are on the verge of achieving this and people who can't even see what they have already been given are being given the opportunity to destroy this project with the aid of our political leaders.

The Hillary's Boat harbour was opposed, the Albany Esplanade Hotel was opposed, The North Bridge tunnel, even the Squash Courts I built in Albany thirty four years ago was opposed. A Councillor of the Town told me that Albany didn't need this facility and that I should go back to Katanning. But all of the above and many more besides are used and valued long after the mindless protests of ill informed people are forgotten. I know you think you have the big picture to deal with and that you are doing your best to do this with integrity. Mr Peacock no doubt thinks the same. But, the Emperor has no clothes on and its about time someone said so loudly and clearly.

I am a reasonable person, but so many reasonable people in this town who have had little to say on this matter, assuming that common sense would prevail, are starting to wonder and they are becoming very angry.

Why should a narrow vested farming interest hold up the development of this town, soon to be a city, without any basis to their argument. Please give me some hope and not send me the way of so many good people before me, who have packed up and left this town because it is hard to get positive developments underway.

This is not to say positive things haven't happened in this town. They have, but it has been in spite of the flat earthers and political vested interests of the right and the left.

The cultural centre is the next cab off the rank for Albany. It is a much needed and worthwhile component of Albany's community and tourism infrastructure. Personally, I would like that to be on the foreshore, but I would hate it to get caught up in the same political football match that is denigrating this marvellous opportunity for this beautiful town.

Please, show that you are bigger than the parochial small minded fools who would hold this town back. Give the thinking people of Albany some reason to have faith in democracy. Please approve this project and let LandCorp get on with the job.

I was ready to organise a petition in support of the project many months ago, but I was advised by Mr Markovs and others that the project was already approved by the Government and all the planning authorities and that a petition wasn't necessary. Mr Markovs indicated that he had spoken to you and that you had assured him that the project would proceed in its present form.

Thank you for listening. I look forward to your response.

Cordiali Saluti

Fernando Crugnale

I read Mr Crugnale's letter because he believes that if Parliament were aware of the importance of this project to Albany some pressure would be brought to bear on those members of Cabinet who are holding up the project. He is keen for anybody in this Parliament who is interested in finding out more to contact him. I agree with the sentiments expressed by Mr Crugnale about the project. However, I do not agree with the colourful language he has used to describe the people who are opposed to it. I respect those people's views but I do not agree with them. I urge anyone who is interested to contact Mr Crugnale.

School Closures - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [10.13 pm]: I rise on behalf of the communities of Cannington and Maddington. I have spoken on this issue before; it will not go away. My recent press release stated that parents should withdraw from the local area planning consultation process. I made that statement because the parents have advised me that they are not being heard and they are of the view that they have been taken for a ride.

In all of the proposed school closures - Swanbourne, Scarborough, City Beach, Cannington and Kewdale - parents have said that they did not want their schools closed. They wanted a no change option, yet the Government has proceeded down the line of working towards school closures.

The sale of the five properties to which I have referred will realise only \$40m. When one considers how the finances of this State have been squandered and badly administered by this Government -

Hon N.F. Moore: You must be joking.

Hon LJILJANNA RAVLICH: I am not joking at all.

Hon N.F. Moore: That is the most ridiculous statement I have heard in this House, and I have been here a long time. It is absolutely ridiculous and you are the silliest girl I have ever heard.

Hon LJILJANNA RAVLICH: The Government has a public sector leave liability of \$1b. That liability has increased by \$500m over the past four or five years because the Government could not manage the public sector. The Leader of the House knows that. The superannuation liability has increased to \$6m. That is not good management. I do not care what the Minister says, the bottom line is that the Minister knows it is not good management. He should not try to kid me or the Western Australian taxpayers. This Government was supposed to manage the State a helluva lot better and it has not. That is the bottom line. Not only that but the Government forced tens of thousands of people onto the dole queue in this State, and most people who have been able to get employment are employed part time at best. This Government is in the process of ruining our health, education and transport systems and I wonder why the schools will be sold off given that they will realise only \$40m.

Hon Derrick Tomlinson: It is to benefit the students.

Hon LJILJANNA RAVLICH: That is the biggest furphy and Hon Derrick Tomlinson knows it. He is an ex-educator, as am I, and that is a nonsense argument. In the five cases in which school sales are being considered the schools happen to be on valuable land and are pretty much sought after by developers. That is the driving force behind this. It is not about positive educational outcomes for children. That is a very low order consideration of this Government. Parents and community groups are not being heard. They have continually told the Government that they want to retain their schools; their schools are a part of their community; they are the heart of their community. They know the difficulties of selling real estate, for example, in a community that does not have a school. They know it is fraught with problems so they have chosen the no change option. However, this Government is not listening.

Hon Derrick Tomlinson: They are interested only in selling their homes.

Hon LJILJANNA RAVLICH: This Government is running the line that the only important consideration is upper school subject choices and the rest of the education system must follow that line as the key driving force. That is not good. The Minister for Education has put on record that schools of between 1 300 and 1 500 students are advantageous to students. I can advise members from the research that I have done that that is contrary to what I have read and heard. Most people would argue that those large schools come with their own set of problems: Crime, discipline, the ratio of students to teachers and the ability to give students the pastoral care they need, and so on.

Hon Derrick Tomlinson: It is not possible in a small school.

Hon LJILJANNA RAVLICH: That is a fallacious argument and this Government knows it. The other important point about local area education planning is that it was never piloted. The Government went holus-bolus down this line without knowing whether it was better in terms of education and social outcomes for students. No research was conducted on educational and social outcomes. Now the Government is trying to do a backflip and tell parents that students will be better off socially and educationally. Having taught in schools for a long time I find that hard to believe.

The other important consideration is that no thought has been given to the impact of the youth training allowance on upper school numbers. Given that some of these schools are not operating at 50 per cent capacity but higher, if the Government factored in the expected increase that will result from the impact of the youth training allowance, there would be an additional 60 students in each senior high school. That would equate to two classes and would make them viable as they would be operating pretty close to full capacity. The local area planning issue is about reducing the infrastructure cost per unit. It is about economics. It is not about educational and social outcomes for students.

The other issue is the problem of how the money will be disbursed. From the sale of the western suburbs schools - Swanbourne, Scarborough and City Beach - the Government will realise \$31.35m of which only \$20.8m will be spent on the intake schools of Carine, Churchlands, Hollywood, Perth Modern etc and the rest of the money will be disbursed through the system. Some \$4.7m will be realised from the sale of Cannington, which has already been earmarked for the chop, but no information is available on how the funds will be disbursed. An issue of equity is involved when one looks at the break up of those figures.

I draw to the attention of the House the specific details relating to Cannington and Maddington High Schools, because it has often been said that both schools are operating at about 50 per cent capacity. The student capacity at

Cannington is 770; the actual number is 583, and the utilisation rate is 84 per cent, which is quite high. At the Maddington High School the student capacity is 660; the actual number is 506, and the utilisation rate is 82 per cent. My argument is that if we factor in the impact of the youth training allowance, the schools are operating pretty much to the capacity that they were built to cater for. It is a fallacious argument by the Government that schools are operating at only 50 per cent capacity and are not being utilised. An 84 per cent and an 82 per cent utilisation rate respectively at the schools indicate that the schools are not operating at the lower end of their utilisation rate or their capacity.

It is interesting that no information on the demographic projections for the schools has been presented to the parents. It would be an interesting set of statistics. We are having a great deal of difficulty obtaining that level of detail from the Government. The problem is that the Court Government does not have the community interests at heart. It is all about money, not education. The Court Government will not listen to parents who constantly say that the Government should keep its hands off their schools. Because their cries have been falling on deaf ears, parents have been advised to abandon this flawed consultation process.

I understand that parents at Cannington and Maddington are so frustrated that they will lobby at Parliament House towards the end of this week. The P & C associations from those schools wanted to present information to children at the schools, but I was advised that the district superintendent said that it could not be done; she would not allow students or parents to access that information. That is a pretty poor situation. I am sure that the principals, teachers and administrative staff at the schools could have presented a great deal of information - peddling the Government's propaganda about the benefits of local area education planning. Yet when the parent body, which has an immense interest in the issue, attempts to put its side of the story and wants to communicate with the wider community and other parents, it is prohibited from doing so. It is not good enough.

HON E.R.J. DERMER (North Metropolitan) [10.22 pm]: Members will not be surprised that I also wish to bring to the attention of the House some matters pertaining to the Government's local area education planning program. Sadly, on more than one occasion it has been necessary for me to bring to the attention of the House the fundamental flaws in the way local area education planning has been applied in Western Australian schools. The sorry saga has taken a new turn. The Minister has made a decision to utilise taxpayers' money to cover his inadequacies. It is very evident from speaking to the communities associated with each school the Minister proposes to close, that the parents understand that the local area planning process is not a consultative process; it is a farce because it is an attempt to hide the Minister's intention to close schools in order to realise their real estate value.

Insult has now been added to injury. The Minister has an odious policy to close schools, and he has pursued a flawed process to justify and to mask the closure of schools. As the result of an answer to a question I asked this afternoon we have discovered that the Minister is spending more taxpayers' money on a public relations consultant. Funds will be spent on a consultant, to sell the unpalatable facts to Western Australians; that is, the Minister for Education is intent not on providing quality education but on selling schools to realise their real estate asset value.

The particular concern which caused me to speak tonight was the answer I received to a question this afternoon. The Minister confirmed that Stratagem Advertising and Communications Consultancy Pty Ltd had been engaged for the purpose of selling his flawed policy on school closures. My last question sought the total cost of engaging the public relations consultant because it is only fair that the taxpayers of Western Australia are aware of exactly how much is being spent by the Government in order to sell its odious policy of school closures. It is only fair that people are aware of how they are being ripped off. However, my question was not answered properly. The answer was that the total cost to date for engaging the public relations consultant has been \$16 158.96.

The taxpayers of Western Australia want to know the total amount the Minister for Education will spend on consultants engaged in how to sell his odious policy; how to do his job for him; how to consult with and advise him on the impossible - that is, to make the local area education planning program appear to have a genuine interest in education, when clearly it has not; how to make it appear that it is a genuine consultative process, which it clearly is not. It will be a difficult task. I can understand why the Minister has decided that he is not up to the task, and why he has had to spend taxpayers' money on engaging a consultancy firm to assist him.

Hon N.F. Moore: Did you ever see Hon John Halden's closure paper called "School Renewal"? It cost thousands of dollars and it sat on the shelf!

Several members interjected.

The PRESIDENT: Order! Hon Bob Thomas should come to order so that Hon Ed Dermer can be heard.

Hon E.R.J. DERMER: No matter how good, how smooth, how clever, how adept in applying the spin on the facts, public relations can never be an adequate excuse for bad policy or for the distortion of a consultative process offered by the Minister for Education. I am very concerned that this afternoon when I sought the total cost of hiring a

consultancy firm to present the unrepresentable policy, I was provided with the cost to date. I am very concerned because the Government is not prepared to be up-front with the taxpayers; it is not prepared to inform us about its total budget for hiring public relations consultants to sell its odious policy. It is not prepared to place a limit on the public relations consultancy bill; it is not prepared to place a limit on how much it will spend to make excuses for its odious policy and the inadequacy of the Minister for Education.

Question put and passed.

House adjourned at 10.29 pm

QUESTIONS ON NOTICE

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

AUGUSTA-MARGARET RIVER SHIRE - SALE OF GOVERNMENT LAND

1264. Hon BOB THOMAS to the Minister for Lands:

- (1) What Government land was sold in the Augusta Margaret River Shire for the years -
- (a) 1992;
 - (b) 1993;
 - (c) 1994;
 - (d) 1995;
 - (e) 1996; and
 - (f) 1997?
- (2) What was the total amount raised from land sales in that area each of those years?
- (3) What were the development costs associated with those sales for each of those years?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

The Department of Land Administration's Land Development Program in the Shire of Augusta Margaret River is as follows:

- (1) The number of lots sold in the respective financial years -
- | | | |
|-----|---------|-------|
| (a) | 1992/93 | One |
| (b) | 1993/94 | Seven |
| (c) | 1994/95 | Two |
| (d) | 1995/96 | Two |
| (e) | 1996/97 | 14 |
| (f) | 1997/98 | Three |
- (2)
- | | | |
|-----|---------|-----------|
| (a) | 1992/93 | \$3,400 |
| (b) | 1993/94 | \$157,568 |
| (c) | 1994/95 | \$172,059 |
| (d) | 1995/96 | \$77,870 |
| (e) | 1996/97 | \$726,229 |
| (f) | 1997/98 | \$407,499 |
- (3) There is no direct correlation between the "Development Costs" incurred and the "Sales Revenue" received in the same year.
- | | Year | Development Costs |
|-----|---------|-------------------|
| (a) | 1992/93 | \$126,849 |
| (b) | 1993/94 | \$40,102 |
| (c) | 1994/95 | \$249,013 |
| (d) | 1995/96 | \$63,787 |
| (e) | 1996/97 | \$1,139 |
| (f) | 1997/98 | \$3,407 |

LANDCORP

- (1) Nil.
- (2)-(3) Not applicable.

ALBANY TOWN AND SHIRE - SALE OF GOVERNMENT LAND

1265. Hon BOB THOMAS to the Minister for Lands:

- (1) What Government land was sold in the Albany Town and Shire areas for the years -
- (a) 1992;
 - (b) 1993;
 - (c) 1994;

- (d) 1995;
- (e) 1996; and
- (f) 1997?

- (2) What was the total amount raised from land sales in that area each of those years?
- (3) What were the development costs associated with those sales for each of those years?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

The Department of Land Administration's Land Development Program in the Shire of Albany and Town of Albany is as follows:

- (1) The number of lots sold in the respective financial years:
- | | | |
|-----|----------|-----|
| (a) | 1992/93: | Nil |
| (b) | 1993/94: | Nil |
| (c) | 1994/95: | Nil |
| (d) | 1995/96: | One |
| (e) | 1996/97: | Two |
| (f) | 1997/98: | Nil |
- (2)
- | | | |
|-----|----------|-----------|
| (a) | 1992/93: | Nil |
| (b) | 1993/94: | Nil |
| (c) | 1994/95: | Nil |
| (d) | 1995/96: | \$173,000 |
| (e) | 1996/97: | \$390,000 |
| (f) | 1997/98: | Nil |
- (3) There is no direct correlation between the "Development Costs" incurred and the "Sales Revenue" received in the same year.

	Year	Development Costs
(a)	1992/93:	\$608,368
(b)	1993/94:	\$15,915
(c)	1994/95:	Nil
(d)	1995/96:	Nil
(e)	1996/97:	Nil
(f)	1997/98:	Nil

LANDCORP

- (1) The number of lots sold in the respective financial years:
- | | | |
|-----|----------|-----|
| (a) | 1992/93: | Nil |
| (b) | 1993/94: | One |
| (c) | 1994/95: | Nil |
| (d) | 1995/96: | Nil |
| (e) | 1996/97: | Nil |
| (f) | 1997/98: | Nil |
- (2)
- | | | |
|-----|----------|----------|
| (a) | 1992/93: | Nil |
| (b) | 1993/94: | \$70,000 |
| (c) | 1994/95: | Nil |
| (d) | 1995/96: | Nil |
| (e) | 1996/97: | Nil |
| (f) | 1997/98: | Nil |
- (3) There were no development costs associated with this land sale.

MANJIMUP SHIRE - SALE OF GOVERNMENT LAND

1266. Hon BOB THOMAS to the Minister for Lands:

- (1) What Government land was sold in the Manjimup Shire for the years -
- (a) 1992;
 - (b) 1993;
 - (c) 1994;
 - (d) 1995;
 - (e) 1996; and
 - (f) 1997?

- (2) What was the total amount raised from land sales in that area each of those years?
- (3) What were the development costs associated with those sales for each of those years?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

The Department of Land Administration's Land Development Program in the Shire of Manjimup is as follows:

- (1) The number of lots sold in the respective financial years:

(a)	1992/93:	Nil
(b)	1993/94:	27
(c)	1994/95:	One
(d)	1995/96:	One
(e)	1996/97:	One
(f)	1997/98:	Nil
- (2)

(a)	1992/93:	Nil
(b)	1993/94:	\$415,900
(c)	1994/95:	\$86,412
(d)	1995/96:	\$15,525
(e)	1996/97:	\$3,350
(f)	1997/98:	Nil
- (3) There is no direct correlation between the "Development Costs" incurred and the "Sales Revenue" received in the same year.

	Year	Development Costs
(a)	1992/93:	\$94,128
(b)	1993/94:	\$1,000
(c)	1994/95:	Nil
(d)	1995/96:	Nil
(e)	1996/97:	\$8,341
(f)	1997/98:	\$19,728

LANDCORP

- (1) Nil.
- (2)-(3) Not applicable.

BUNBURY CITY AND DARDANUP SHIRE - SALE OF GOVERNMENT LAND

1267. Hon BOB THOMAS to the Minister for Lands:

- (1) What Government land was sold in the Bunbury City and Dardanup Shire for the years -

(a)	1992;
(b)	1993;
(c)	1994;
(d)	1995;
(e)	1996; and
(f)	1997?
- (2) What was the total amount raised from land sales in that area each of those years?
- (3) What were the development costs associated with those sales for each of those years?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

The Department of Land Administration has not developed any land under its Land Development Program in the City of Bunbury or the Shire of Dardanup.

LANDCORP

- (1) The number of lots sold in the respective financial years:

(a)	1992:	Nil
(b)	1993:	One
(c)	1994:	Nil

- | | | | |
|--|-----|-------|-------|
| | (d) | 1995: | Nil |
| | (e) | 1996: | Eight |
| | (f) | 1997: | Nine |
- (2)
- | | | | |
|--|-----|-------|-----------|
| | (a) | 1992: | Nil |
| | (b) | 1993: | \$913,000 |
| | (c) | 1994: | Nil |
| | (d) | 1995: | Nil |
| | (e) | 1996: | \$728,000 |
| | (f) | 1997: | \$813,000 |
- (3) There is no direct correlation between "Development Costs" incurred and the "Sales Revenue" received in the same year.
- | | | | |
|--|-----|-------|-----------|
| | (a) | 1992: | Nil |
| | (b) | 1993: | Nil |
| | (c) | 1994: | Nil |
| | (d) | 1995: | Nil |
| | (e) | 1996: | \$377,000 |
| | (f) | 1997: | \$347,000 |

LAW REFORM COMMISSION - MEETINGS

1301. Hon N.D. GRIFFITHS to the Attorney General:

- (1) How many meetings of the Law Reform Commission of Western Australia have taken place since July 1, 1997?
- (2) In each case which Commissioners attended the meetings?
- (3) How many meetings between members of the Commission and the Attorney General took place, and in each case -
- (a) on what date; and
- (b) which Commissioners attended?
- (4) Since July 1, 1997 what proposals for the review of any area of law with a view to reform have been submitted to you by the Law Reform Commission of Western Australia?

Hon PETER FOSS replied:

- (1) 12.
- (2)
- | | |
|------------------|---|
| 7 July 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 21 July 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 13 August 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 18 August 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 28 August 1997 | - Mr RE Cock QC and Prof RL Simmonds |
| 8 October 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 3 November 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 12 November 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 17 November 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 24 November 1997 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 18 February 1998 | - Mr WS Martin QC, Mr RE Cock QC and Prof RL Simmonds |
| 4 March 1998 | - Mr WS Martin QC and Prof RL Simmonds |
- (3)
- (a) 22 September 1997.
- (b) Mr WS Martin QC, Mr RE Cock QC and Professor RL Simmonds.
- (4) None.

LAW REFORM COMMISSION - REPORTS

1303. Hon N.D. GRIFFITHS to the Attorney General:

On which of the following references has the Law Reform Commission of Western Australia submitted its final Report -

- (a) financial protection in the building and construction industry;
- (b) writs and warrants of execution;
- (c) medical treatment for minors; and
- (d) *Sale of Goods Act*?

Hon PETER FOSS replied:

- (a) The Commission expects to submit its final report before the end of this financial year.
- (b) The Commission expects to submit its final report before the end of this financial year.
- (c) The High Court clarified the law in the area of consent to medical treatment by the decision in *Marion's Case* in 1992.
- (d) The Commission expects to submit its final report before the end of this financial year.

LAW REFORM COMMISSION - CRIMINAL AND CIVIL JUSTICE SYSTEM INQUIRY

1306. Hon N.D. GRIFFITHS to the Attorney General:

With respect to the terms of reference to the WA Law Reform Commission into the "Criminal and Civil Justice System" -

- (1) What consultants have been engaged by the WA Law Reform Commission?
- (2) In each case -
 - (a) for what term of reference was the consultant engaged;
 - (b) on what date was the consultant engaged;
 - (c) when is it anticipated the consultant will report to the WA Law Reform Commission; and
 - (d) what is the budgeted cost to the WA Law Reform Commission of the consultancy?
- (3) Will the WA Law Reform Commission hand down interim reports?
- (4) If so, what is the timetable for such reports?
- (5) Is the Commission still to report no later than November 30, 1998?
- (6) If not, what extension of time has been given and when was such extension given?

Hon PETER FOSS replied:

- (1)-(2) Consultants have yet to be formally engaged.
- (3) The Commission expects to produce a number of brief discussion papers on various topics.
- (4) A time table will be established once arrangements are finalised with the consultants who will coordinate specific areas of the project.
- (5) Yes.
- (6) Not applicable.

SYNERGY LTD'S CONTRACT - BUSINESS CASE

1327. 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 International Centre for Application of Solar Energy Department's contract with the firm Synergy Ltd worth approximately \$134 000 for the provision of renewable energy systems for two sites in Sarawak, 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:

This contract was undertaken under the auspices of the Australian Agency for International Development, the Australian Asean Economic Corporation Program which provided the majority of the funding for the contract. It was a demonstration project to assist the International Centre for Application of Solar Energy in meeting its objectives in promoting the application of renewable energy in developing countries and was undertaken in co-operation with the Sarawak State Government, Malaysia. In this context, the following answers are provided -

- (1) No.
- (2)-(3) Not applicable.
- (4) This was a demonstration project to meet the needs of the Government of Sarawak and to demonstrate the capability of Western Australian technology and Australian providers.
- (5) The major identified risk was the system would not meet its performance objectives, however this was covered under the terms of the contract.
- (6) A needs analysis was conducted prior to selection of the equipment.
- (7) The contractor was considered to be reputable contractor with a proven track record, in remote area installation.
- (8) No.
- (9) Not applicable.
- (10)
 - (a) The company was established as Survivor Energy Systems Pty Ltd in 1991. The company name was changed to Synergy Ltd in 1993.
 - (b) Synergy Ltd is a private company - unknown capitalisation and is a wholly owned subsidiary of Synergy Power (Holding) Corporation - approximate capitalisation \$5m to \$10m.
 - (c) Eric Kalkhurst, Ralph Belden, Robert Holman.
 - (d) No.

POWER SEARCH CONTRACT - BUSINESS CASE

1329. 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 International Centre for Application of Solar Energy Department's contract with the firm Power Search worth approximately \$513 000 for the provision of renewable energy systems for four sites in Thailand, 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:

This contract was managed by the Perth International Centre for Application of Solar Energy (CASE) and funded by the Provincial Electricity Authority of Thailand (PEA) under a Memorandum of Understanding between CASE and PEA. The demonstration project was designed to promote the uptake of renewable energy systems in the northern and remote areas of Thailand. The contract was awarded jointly to CASE and a Western Australian firm, Power Search, who have been active in Thailand promoting their inverter technology. The equipment contract provided for the supply and installation of various renewable energy demonstration systems in Thailand. Included in this contract price was the supply of solar panels from USA, batteries from Germany and inverters from Western Australia. Power Search undertook the commissioning and installation of the systems in Thailand and manufactured the inverters for the systems. Power Search also supplied the remaining equipment items sourced from various manufacturers both locally and overseas. In addition, a Private Sector Linkages Program funded by AusAid, provided for training and socio-economic assessments to be undertaken to support the installations. Power Search employees also assisted CASE in the training and economic studies required under the AusAid contract.

- (1) No. This contract was designed to meet the needs of a number of sites identified by PEA and implemented by CASE on a commercial basis.
- (2)-(3) Not applicable.
- (4) This was a commercial contract in which the ultimate client, the PEA, determined the rural electrification needs and technology requirement.
- (5) The major risk was the systems not satisfying performance specification.
- (6) Refer to (4) above.
- (7) Power Search had undertaken many projects of the type proposed in Thailand. The ultimate client (PEA) had visited Perth and determined that Power Search's technology be used in their trial program.
- (8) No.
- (9) Not applicable.
- (10) Power Search is a member of an advanced energy group system of companies and is a private company.
 - (a) 1987.
 - (b) Issued paid up capital of 16,702,130 ordinary shares of 20 cents each.
 - (c) S Phillips, S James, D Watt.
 - (d) No.

SCHOOL ENROLMENTS

1339. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) What, if any, was the increase in enrolments in public schools from the 1996 to the 1997 school year?
- (2) What was the per capita funding received from the Commonwealth Government in the 1997 school year for public school students?
- (3) Under the Enrolment Benchmark Adjustment ("EBA") will the Commonwealth grant for each public school student for 1997 be adjusted?
- (4) Has the Western Australian Government come to any agreement with the Commonwealth Government as to how the EBA calculation will be made?
- (5) If so -
 - (a) what is that agreement; and
 - (b) will this result in a decrease in per capita funding received by public school students?

Hon N.F. MOORE replied:

- (1) The increase in enrolments from semester one 1996 to semester one 1997 in public schools was 4,085.
- (2) The per capita funding for the Commonwealth General Recurrent Grants Program for 1997 for public school students was \$379 for primary students and \$559 for secondary students amounting to \$106,480,509.
- (3) Under the Enrolment Benchmark Adjustment (EBA) changes in enrolment data from the 1997 program for public school students will result in the deduction of \$963,231 from the funding for the 1998 program.
- (4) The funding adjustment has been incorporated as a component of the Federal Government's Commonwealth General Recurrent Grants Program and therefore does not require agreement by the States to be implemented.

Following representation from the States, the Commonwealth has made adjustments to the EBA formula, including the use of a buffer to discount the effect of small enrolment variations. For Western Australia, the changes reduce the impact of the funding reduction from 1997 by approximately one million dollars.

- (5)
 - (a) Not applicable.
 - (b) Yes, however, due to the reprioritisation of Education Department expenditure, there will be no reduction in benefits to students.

LEAKING OF GOVERNMENT DOCUMENTS

Guidelines

1416. Hon TOM HELM to the Leader of the House representing the Premier:

- (1) Does the Government have a policy, or a set of procedures in place, to guide public servants on action to be taken when there is a belief an internal government document has been leaked to the public?
- (2) If yes -
 - (a) where is that policy published; and
 - (b) is one of the options outlined in that policy the use of private investigators?

Hon N.F. MOORE replied:

- (1)-(2) Policies and procedures dealing with disclosure of information are specified in the following -

Code of Ethics.
 Standards and Codes of Conduct.
 Disciplinary provisions in Part 5 of the Public Sector Management Act 1994.
 Disciplinary guidelines outlined in "A Practical Guide to Discipline".
 The Criminal Code.
 Regulation 8 of the Public Service Act 1978.
 Administration Instruction 711 - Official Communication.

Chief Executive Officers are responsible for taking appropriate action when it is suspected there may have been a breach of any of the above.

COUNCIL ADVISORY PROGRAM

1435. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Is the Minister aware of a program entitled the Council Advisory Program?
- (2) What is the purpose of the Council Advisory Program?
- (3) Which Shire Councils have participated in this program?
- (4) On what basis is a decision made as to which Shire Councils will participate in this program?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) To assist local governments improve the efficiency and effectiveness of council operations.
- (3) Shires of York, Victoria Plains, Serpentine-Jarrahdale, Manjimup, Gingin, Augusta-Margaret River,

Carnarvon, Coorow, Dalwallinu, Gnowangerup, Kent, Mount Marshall, Perenjori, Northam, Moora, Cue, Yilgarn Denmark, Toodyay, Coolgardie, Koorda, Boyup Brook and the Towns of Port Hedland and Narrogin.

- (4) Usually, the programme is undertaken at the request of the relevant council.

CEMETERIES

1458. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Local Government:

What consideration has been given to the development of new cemeteries in the metropolitan area?

Hon E.J. CHARLTON replied:

In the south west corridor the Metropolitan Cemeteries Board is preparing a 60 hectare site for a new cemetery at Baldivis. It will be available for burial when east Rockingham Cemetery land is almost fully occupied in about five years' time.

Pinnaroo Valley Memorial Park in the north west corridor comprises 117 hectares and is being progressively developed for burials and cremation memorials ahead of demand. A future cemetery site is proposed in the North West Corridor Structure Plan to be located north of Yanchep National Park.

In the north east corridor the Metropolitan Cemeteries Board is working in liaison with the Shire of Swan to acquire an additional 14 hectares of land immediately adjacent to the Midland Cemetery. This will significantly increase the operational capacity of this cemetery.

The Ministry of Planning has been requested to allow for a new regional cemetery site in the Bullsbrook/Chittering area in a Structure Plan being developed for that area.

The Metropolitan Cemeteries Board and the Shire of Swan are currently addressing environmental issues threatening the viability of the Guildford Cemetery. It is critical that these issues be satisfactorily resolved, as an increasing number of denominational and ethnic groups with special requirements can no longer be allocated land at Karrakatta.

Provision has been made in the South East Corridor plan for a cemetery site north east of Mundijong. The land is currently included in a sand mining exploration lease and is deemed a cemetery reservation for the longer term.

The Minister for Planning has for several years endeavoured to identify and secure land for early development as a cemetery in the Gosnells to Armadale area. Constraints related to high water table, unsuitable ground in the foothills and other environmental issues have restricted availability of suitable land. The Minister for Local Government is currently seeking a reservation under the Metropolitan Regional Scheme.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY'S AIRCONDITIONING PROGRAM, MERREDIN

1461. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

Further to the answer given to question without notice 603 asked in the Legislative Assembly in relation to the Housing Department's contract with the four contractors in Merredin worth approximately \$560 000 total for the provision of GEHA housing airconditioning program, can the Minister for Housing advise -

- (1) Who were the four contractors appointed?
- (2) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (3) If yes, did it include a check of the contractors financial background?
- (4) Who carried out the financial background check?
- (5) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (6) Who are the directors of the company?
- (7) Are any of the company directors ministers or senior public servants?
- (8) Was a business case conducted?
- (9) Did it include a comprehensive cost benefit analysis?
- (10) If so, what did it show?
- (11) If not, why not?

- (12) What were the identified inherent risks?
 (13) What other options were considered?

Hon MAX EVANS replied:

- (1) Central District Airconditioning.
 W Metzke and Son.
 Centrewest Refrigeration.
 J K Williams.
- (2) No. Due diligence check was not performed as it was inappropriate to the risks involved with this contract arrangement. However, contractor capability and financial capacity were checked.
- (3)-(4) Not applicable.
- (5)-(7) Unknown.
- (8) A detailed proposal that outlined the options and proposed methodology was prepared.
- (9) No.
- (10) Not applicable.
- (11) The option chosen stood out as the best to achieve all the objectives.
- (12) The risks were -
- (i) The environment - working in occupied houses, some with asbestos cement roofs.
 - (ii) The government's commitment to the tenants to complete the work before summer.
 - (iii) Availability of evaporative coolers.
- (13) Other options considered were -
- (i) Use of a single contractor for each area, rather than a panel contract.
 - (ii) Splitting the work into two phases - design consultancy and then construction tendering.
- These were discarded as they failed to achieve the objectives of the project.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY'S AIRCONDITIONING PROGRAM,
 KALGOORLIE

1462. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

Further to the answer given to question without notice 603 asked in the Legislative Assembly in relation to the Housing Department's contract with the five contractors in Kalgoorlie worth approximately \$1.085m for the provision of GEHA housing airconditioning program, can the Minister for Housing advise -

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

(13) What other options were considered?

Hon MAX EVANS replied:

- (1) Kalaire Pty Ltd.
BAH Henneker.
L & J Wilson Services.
JSE Group.
Hearth House Kalgoorlie.
- (2) No. Due diligence check was not performed as it was inappropriate to the risks involved with this contract arrangement. However, contractor capability and financial capacity were checked.
- (3)-(4) Not applicable.
- (5)-(7) Unknown.
- (8) A detailed proposal that outlined the options and proposed methodology was prepared.
- (9) No.
- (10) Not applicable.
- (11) The option chosen stood out as the best to achieve all the objectives.
- (12) The risks were -
 - (i) The environment - working in occupied houses, some with asbestos cement roofs.
 - (ii) The Government's commitment to the tenants to complete the work before summer.
 - (iii) Availability of evaporative coolers.
- (13) Other options considered were -
 - (i) Use of a single contractor for each area, rather than a panel contract.
 - (ii) Splitting the work into two phases - design consultancy and then construction tendering.These were discarded as they failed to achieve the objectives of the project.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY'S AIRCONDITIONING PROGRAM, NORTHAM

1463. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

Further to the answer given to question without notice 603 asked in the Legislative Assembly in relation to the Housing Department's contract with the five contractors in Northam worth approximately \$890 000 for the provision of GEHA housing airconditioning program, can the Minister for Housing advise -

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

Hon MAX EVANS replied:

- (1) Andy's Plumbing Service.
Central Districts Airconditioning.
Ruralvision - Douglas Basham.
CE Oats & Sons Pty Ltd.
JK Williams & Company.
CJT Hannagan & Son.
- (2) No. Due diligence check was not performed as it was inappropriate to the risks involved with this contract arrangement. However, contractor capability and financial capacity were checked.
- (3)-(4) Not applicable.
- (5)-(7) Unknown.
- (8) A detailed proposal that outlined the options and proposed methodology was prepared.
- (9) No.
- (10) Not applicable.
- (11) The option chosen stood out as the best to achieve all the objectives.
- (12) The risks were -
 - (i) The environment - working in occupied houses, some with asbestos cement roofs.
 - (ii) The government's commitment to the tenants to complete the work before summer.
 - (iii) Availability of evaporative coolers.
- (13) Other options considered were -
 - (i) Use of a single contractor for each area, rather than a panel contract.
 - (ii) Splitting the work into two phases - design consultancy and then construction tendering.

These were discarded as they failed to achieve the objectives of the project.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY'S AIRCONDITIONING PROGRAM,
GERALDTON

1464. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

Further to the answer given to question without notice 603 asked in the Legislative Assembly in relation to the three contracts with the Housing Department in Geraldton worth approximately \$460 000 for the provision of GEHA housing airconditioning program, can the Minister for Housing advise in each case -

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

Hon MAX EVANS replied:

- (1) Central District Airconditioning.
Cramer and Neil Refrigeration.
Garland and Johnson.
Ruralvision - Douglas Basham.
- (2) No. Due diligence check was not performed as it was inappropriate to the risks involved with this contract arrangement. However, contractor capability and financial capacity were checked.
- (3)-(4) Not applicable.
- (5)-(7) Unknown.
- (8) A detailed proposal that outlined the options and proposed methodology was prepared.
- (9) No.
- (10) Not applicable.
- (11) The option chosen stood out as the best to achieve all the objectives.
- (12) The risks were -
 - (i) The environment - working in occupied houses, some with asbestos cement roofs.
 - (ii) The government's commitment to the tenants to complete the work before summer.
 - (iii) Availability of evaporative coolers.
- (13) Other options considered were -
 - (i) Use of a single contractor for each area, rather than a panel contract.
 - (ii) Splitting the work into two phases - design consultancy and then construction tendering.These were discarded as they failed to achieve the objectives of the project.

FITZROY RIVER IRRIGATION PROJECT

1474. 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 -

- (1) Will the Premier table the MOU?
- (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) Has the Government given any commitment or undertaking to Western Agricultural Industries, given that the costs and time frame is 2 to 5 years, that any proposal submitted by them at the end of the feasibility study will be -
 - (a) accepted;
 - (b) considered;
 - (c) evaluated; or
 - (d) rejected?

Hon N.F. MOORE replied:

- (1)-(2) When signing is finalised the Memorandum of Understanding will be publicly available.
- (3)-(6) Western Agricultural Industry proposed to expend approximately \$ 1m-\$1.5m per year on feasibility studies, including the possibility of irrigating from the Fitzroy River. Government will consider and evaluate this work on an ongoing basis.

APPRENTICES' POLICY

1480. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) Is any Government policy in place to ensure apprentices are employed on all building projects tendered out by the State Government?
- (2) If not, why not?
- (3) If yes, is this policy policed?
- (4) What is the penalty for contractors who do not comply with this Government policy?

Hon MAX EVANS replied:

I am advised that -

- (1) Yes.
- (2) Not applicable.
- (3) Individual agencies are responsible for ensuring compliance with this policy.
- (4) Individual agencies are responsible for determining appropriate penalties.

GOVERNMENT CONTRACTS OVER \$1M

1482. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) How many contracts over \$1m have been awarded by the Minister for Works for the Western Australian Government between July 1997 and March 1998?
- (2) Will the Minister list those contracts?
- (3) What was the value of each of those respective contracts?

Hon MAX EVANS replied:

I am advised that -

(1) 24.

(2)-(3)

(2)

(3)

Rottneest Island Holiday Home Upgrade	\$ 1,071,999
441 Murray Street, Perth Fitout	\$ 1,329,487
East Manjimup Primary School alterations and additions	\$ 1,038,500
Esperance Residential College alterations and additions	\$ 1,241,000
Esperance Senior High School alterations and additions retender	\$ 1,361,427
Hollywood Senior High School alterations and additions	\$ 1,794,000
Western Australian Museum –Hackett Hall Building	\$ 5,925,000
Mount Barker Senior High School alterations and additions	\$ 2,252,600
Ballajura Community College Stage 3A – Middle School	\$ 1,924,700
Gosnells Police Station Replacement	\$ 1,035,301
Cloverdale Primary School demolition of existing school and construction of new school	\$ 3,450,000
Cannington District Police Complex Construction	\$ 4,365,000
Murdoch Police Station Construction	\$ 1,313,200
Port Hedland Primary School Cooke Point	\$ 6,142,683
Sir Charles Gairdner Hospital Renal Dialysis Renovation	\$ 1,088,930
Bunbury Campus – South West Regional College of TAFE Industrial Skills Wing.	\$ 1,686,200
Stage 1 – Demolition, asbestos removal, construction, roads and parking	
Narrogin Agriculture Centre additions and alterations	\$ 1,717,540
East Busselton Primary School construction	\$ 3,967,700
Mirrabooka District Police Complex construction	\$ 3,585,000

(2)	(3)
Ellenbrook Primary School Construction	\$ 2,798,120
Ballajura Community College Stage 3B	\$ 7,285,000
Various Early Childhood Programs	\$ 1,489,064
Clarkson Community High School Stage 2	\$ 5,267,863
Canning Vale Prison and CW Campbell Remand Centre security upgrade	\$ 2,741,500

The above contracts are awarded by the Minister for Works. There are other contracts which were awarded by the Department of Contract and Management Services.

STUBBS TERRACE HOSPITAL CLOSURE

1485. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) Were the parents of all in-patients at Stubbs Terrace Hospital formally advised of its closure, prior to the closure?
- (2) What are the Government savings now that Stubbs Terrace Hospital has been reduced to a week day only facility?
- (3) Prior to the renovations, how many in-patients could be catered for at any given time?
- (4) Since the renovations, how many in-patients can be catered for at any given time?
- (5) What renovations were carried out at Stubbs Terrace Hospital?

Hon MAX EVANS replied:

- (1) Parents were orally advised.
- (2) Nursing \$167 665.
Medical \$194 660.
Increased employees in Social Work, Occupational Therapy, Speech Pathology and Clinical Psychology at a cost of \$181 000.
Overall \$147 203 net savings.
- (3) 15 patients – average 10.
- (4) 10 patients (inpatients) and pending day patient programme.
- (5) Refurbishment.
Painting & carpeting.
Two rooms converted into nursing offices.
External door from dining to outside.
New furniture.
Re-designed reception area.
Alteration of psychiatrist superintendent's office to family therapy room
Conversion of 2 single bedrooms to offices.
External fencing installed.
Roof over pergola and BBQ units.
Roofing over external area near laundry.
Conversion of female toilet to examination room.
Alterations to visitors toilets.
Cost \$240 000 – provided by Mental Health Division.

GOVERNMENT VEHICLES LEASED OR OWNED

1488. Hon NORM KELLY to the Minister for Finance representing the Minister for Health:

For all agencies under the control of your Ministry, can the Minister for Health advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

Health Department of WA

- (1) 1549.
- (2) (a) 1255.
(b) 294.
- (3) (a) 1544.
(b) 5.
(c) Nil.

WA Alcohol and Drug Authority

- (1) 14.
- (2) (a) 9.
(b) 5.
- (3) (a) 14.
(b)-(c) Nil.

Healthway

- (1) 5.
- (2) (a) 5.
(b) Nil.
- (3) (a) 5.
(b)-(c) Nil.

Office of Health Review

- (1) 2.
- (2) (a) 2.
(b) Nil.
- (3) (a) 2.
(b)-(c) Nil.

GOVERNMENT VEHICLES LEASED OR OWNED

1489. Hon NORM KELLY to the Minister for Finance representing the Minister for Water Resources:

For all agencies under the control of your Ministry, can the Minister for Water Resources advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

- (1) 1344.
- (2) (a) 480.
(b) 864.
- (3) (a) 1344.
(b)-(c) Nil.

GOVERNMENT VEHICLES LEASED OR OWNED

1490. Hon NORM KELLY to the Minister for Finance representing the Minister for Fair Trading:

For all agencies under the control of your Ministry, can the Minister for Fair Trading advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

- (1) 27.
- (2) (a) 24.
(b) 3.
- (3) (a) 27.
(b)-(c) Nil.

GOVERNMENT VEHICLES LEASED OR OWNED

1492. Hon NORM KELLY to the Minister for Finance representing the Minister for Works:

For all agencies under the control of your Ministry, can the Minister for Works advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

I am advised that:

- (1) 120.
- (2) (a) 111.
(b) 9.
- (3) (a) 111.
(b) Three of the above are dual powered with LPG.
(c) Nil.

GOVERNMENT VEHICLES LEASED OR OWNED

1493. Hon NORM KELLY to the Minister for Finance representing the Minister for Services:

For all agencies under the control of your Ministry, can the Minister for Services advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

- (1) Six.

- (2) (a) Six.
(b) Nil.
- (3) (a) Six.
(b)-(c) Nil.

Note: Under the Government Motor Vehicle Leasing Contract, in addition to the above, the Commission is required to purchase vehicles, which have exceeded their hire term by 60 days. These vehicles are not used by the Commission as operational vehicles but are held as temporary assets until they are disposed of through auction.

GOVERNMENT VEHICLES LEASED OR OWNED

1496. Hon NORM KELLY to the Leader of the House representing the Minister for Commerce and Trade:

For all agencies under the control of your Ministry, can the Minister for Commerce and Trade advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
- (a) passenger vehicles; and
(b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
- (a) petrol or diesel powered;
(b) LPG powered; or
(c) powered by other means?

Hon N.F. MOORE replied:

Department of Commerce & Trade

- (1) 26.
- (2) (a) 25.
(b) 1.
- (3) (a) 26.
(b)-(c) Nil.

Small Business Development Corporation

- (1) 7.
- (2) (a) 7.
(b) Nil.
- (3) (a) 7.
(b)-(c) Nil.

Perth International Centre for Application of Solar Energy

- (1) 1.
- (2) (a) 1.
(b) Not applicable.
- (3) (a) 1.
(b)-(c) Not applicable.

Gascoyne Development Commission

- (1) 4.
- (2) (a) 4.
(b) Nil.
- (3) (a) 4.
(b)-(c) Nil.

Goldfields Esperance Development Commission

- (1) 5.
- (2) (a) 5.
(b) Nil.
- (3) (a) 5.
(b)-(c) Nil.

Great Southern Development Commission

- (1) 5.
- (2) (a) 5.
(b) Nil.
- (3) (a) 5.
(b)-(c) Nil.

Kimberley Development Commission

- (1) 5.
- (2) (a) 5.
(b) Nil.
- (3) (a) 5.
(b)-(c) Nil.

Midwest Development Commission

- (1) 3.
- (2) (a) 3.
(b) Nil.
- (3) (a) 3.
(b)-(c) Nil.

Peel Development Commission

- (1) 3.
- (2) (a) 3.
(b) Nil.
- (3) (a) 3.
(b)-(c) Nil.

Pilbara Development Commission

- (1) 5.
- (2) (a) 5.
(b) Nil.
- (3) (a) 5.
(b)-(c) Nil.

South West Development Commission

Wheatbelt Development Commission

- (1) 9.
- (2) (a) 9.
(b) Nil.
- (3) (a) 9.
(b)-(c) Nil.

COMSWEST PTY LTD'S CONTRACT

1508. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

In relation to a contract with ComsWest Pty Ltd worth \$316 692 per annum for the provision of desktop PC support and associated services for administrative and public access equipment, can the Minister for Works advise -

- (1) Was a due diligence check carried out by CAMS on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractor's financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company -
 - (a) when was the company formed; and
 - (b) what is its share capitalisation?
- (5) Who are the directors of the company?
- (6) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that -

- (1) No, but a due diligence check was undertaken by the Public Sector Management Office of Telecom New Zealand and Pacific Star Communications Pty Ltd.
- (2) Yes.
- (3) Public Sector Management Office and Crown Solicitor's Office.
- (4)-(6) The member should refer these questions to ComsWest Pty Ltd.

GOLDFIELDS CONTRACTING'S CONTRACT

1516. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Disability Services:

Further to the answer given to question on notice 932 asked in the Legislative Assembly in relation to the Metropolitan Cemeteries Board Department's contract with the firm Goldfields Contracting worth approximately \$198 631 for the provision of roadworks - Pinnaroo Valley Memorial Park, can the Minister for Disability Services 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, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

- (1) Yes. The contract work represents progress towards implementation of the Pinnaroo Master Plan.
- (2) Yes.
- (3) The works were scheduled to achieve economies of scale and in preparation for development of burial sections.
- (4) Not applicable.
- (5) Nil.

- (6) Staging of works over two (2) financial years.
- (7) Yes.
- (8) No.
- (9) Not applicable.
- (10)-(12) Not known.

LOXAM DEVELOPMENTS PTY LTD'S CONTRACT

1517. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Disability Services:

Further to the answer given to question on notice 932 asked in the Legislative Assembly in relation to the Metropolitan Cemeteries Board Department's contract with the firm Loxam Developments worth approximately \$45 000 for the provision of chapel maintenance at Karrakatta Cemetery, can the Minister for Disability Services 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, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

- (1) Yes. The contract work represents cyclical maintenance on crematorium building 7 - 8 years after construction.
- (2) Yes.
- (3) In accordance with industry best practice, cyclical maintenance (in this case painting, tuck pointing, rendering etc) reduces cost if assets are allowed to deteriorate and ultimately requires more extensive renovations.
- (4) Not applicable.
- (5) Nil.
- (6) Deferral of works.
- (7) Yes.
- (8) No.
- (9) Not applicable.
- (10)-(12) Not known.

TENDER SCHEDULES NO 136997

1529. Hon TOM HELM to the Minister for Finance representing the Minister for Services:

- (1) In regard to Tender Schedules No 136997, were the requirements of the State Supply Commission met in

full?

- (2) Given that differences of up to 30 percent were quoted, would the Minister for Services explain how the weighting criteria were applied in this case?
- (3) What is the approximate total value of the tenders over the contract period?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Weighted Criteria: Weightings

Demonstrated capacity to fulfil the contract requirements	20%
Price: Based on adjusted G.P.A price; refer to clause 5.1	20%
Previous experience in the provision of carpet	20%
Financial capability	15%
Warranty	15%
Guaranteed performance based on the technical specifications and intended use of the carpet.	10%
Non weighted Criteria:	
Compliance with Contractual Conditions	
Compliance with the technical specification.	

- (3) It is not possible to determine the value of the individual items for the contract period, as this will be determined by the selection of carpet by government agencies. Also, a number of new products have been included such as carpet tiles and flocked carpet that have either not been included in the contract previously or have not been included for a number of years. Based on the expenditure on the previous contract it is anticipated that the contract value per annum will be in the order of \$1.5 million.

SECURITY LOCKER SERVICE'S CONTRACT

1534. Hon LJILJANNA RAVLICH to the Minister for the Arts:

Further to the answer given to question on notice 938 asked in the Legislative Assembly in relation to the Library and Information Services Department's contract with the firm Security Locker Service worth approximately \$59 292 per annum until 2002 for the provision of lockers for public use, can the Minister 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, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3)-(4) That a contracted out service over the long term was cheaper, more suitable to clients needs and better so far as occupational health and safety issues are concerned.
- (5) Risks of occupational health and safety and security of clients' possessions were lessened by the provision of lockers.

- (6) The need for a free secure locker service for clients was identified after trialing a number of options for dealing with clients' belongings. A free baggage service staffed by LISWA employees led to a number of workplace injuries from lifting heavy bags; allowing bags into the library led to a high theft of library stock and clients' belongings, plus health and safety issues; and a pay locker service plus free open shelves brought many complaints and the theft of clients' belongings.
- (7) Yes. LISWA utilises the services of the Department of Contract and Management Services (CAMS) in the development and awarding of contracts. The assessment of contractors including financial background and the checking of referees is made using the expertise of both CAMS and LISWA officers.
- (8) Yes.
- (9) See (7).
- (10) 1976; \$260,000.
- (11) Terrence Francis Barry and Roslyn Barry.
- (12) No.

GOVERNMENT CONTRACTS FOR DEMOLITION

1563. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 734 in relation to the -

- (a) two contracts with the Works Department in 1995;
 (b) seven contracts with the Works Department in 1996; and
 (c) four contracts with the Works Department in 1997,
 for the provision of demolition projects, can the Minister advise for each contract -

- (1) Who was the successful tenderer?
 (2) What was the value of the contract?
 (3) Was a due diligence check carried out on the contractor before the above contract was awarded?
 (4) If yes, did it include a check of the contractors financial background?
 (5) Who carried out the financial background check?
 (6) If the contractor is a company, when was the company formed and what is its share capitalisation?
 (7) Who are the directors of the company?
 (8) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that:

(1)-(2)

1995 Contracts

Demolition of R & I Bank	Moltoni Corporation Pty Ltd	\$5,099,999
Robbs Jetty Abattoir	Hi Tec Demolition Co Pty Ltd	\$1,398,000

1996 Contracts

Lot 33 Ahoy Rd & Lot 2 Cockburn, Spearwood	Dongara Demolition	\$34,687
Coogee Chemicals	Dongara Demolition	\$42,350
Mt Henry Hospital	Dongara Demolition	\$87,735
Lots 23 & 31 Ahoy Rd, Spearwood	Moltoni Corporation Pty Ltd	\$88,650

Morley Police Station – Demolition of Existing Buildings	Dongara Demolition	\$54,175
Kununurra Police Station	Magee Construction NW Pty Ltd	\$229,000
North Innaloo Primary School Demolition	Trinity Demolition	\$53,500
1997 Contracts		
Robbs Jetty – Freezer Building	PB & KA Brajkovich Pty Ltd	\$32,800
Gosnells Police Station	Southern Traxcavator Service	\$14,200
Point Peron Recreation Camp	Raptor Demolition	\$48,400
Mt Henry Hospital Stage 2	Breakthru Demolition	\$115,000

(3)-(4) Yes.

(5) Department of Contract and Management Services.

(6)-(8) The member should refer these questions to the contractors listed above.

SOUTHDOWN CONSTRUCTION CO PTY LTD'S CONTRACT

1564. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 709 asked in the Legislative Assembly in relation to the Works Department's contract with the firm Southdown Construction Co Pty Ltd for the provision of construction of the Gosnells Police Station, can the Minister advise -

- (1) What was the value of the contract?
- (2) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (3) If yes, did it include a check of the contractors financial background?
- (4) Who carried out the financial background check?
- (5) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (6) Who are the directors of the company?
- (7) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that:

- (1) The original contract value was \$1,035,301.
- (2)-(3) Yes.
- (4) Department of Contract and Management Services.
- (5)-(7) The member should refer these questions to Southdown Construction Co Pty Ltd.

PERKINS BROS BUILDERS' CONTRACT

1565. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 747 asked in the Legislative Assembly in relation to the Works Department's contract with the firm Perkins Bros Builders worth approximately \$3.9 m for the provision of construction of the new East Busselton Primary School, can the Minister advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalisation?

- (5) Who are the directors of the company?
- (6) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that -

- (1) Yes.
- (2) Yes, as part of the Department of Contract and Management Services pre-qualification and Builders Categorisation scheme.
- (3) Department of Contract and Management Services.
- (4)-(6) The member should refer these questions to Perkins Bros Builders.

GOVERNMENT CONTRACT FOR NOTEBOOK COMPUTERS

1568. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$2m per annum, open ended for the provision of portable notebook computers, can the Minister advise -

- (1) Who was the successful tender(s)?
- (2) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (3) If yes, did it include a check of the contractors financial background?
- (4) Who carried out the financial background check?
- (5) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (6) Who are the directors of the company?
- (7) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that:

- (1) Acer Computer Australia Pty Ltd.
Compaq Computers Australia Pty Ltd.
Digital Equipment Corp (Aust) Pty Ltd.
IBM Australia Ltd.
NEC Australia Pty Ltd.
Gateway 2000 Pty Ltd.
Sharp Corporation of Australia Pty Ltd.
Toshiba (Aust) Pty Ltd.
- (2)-(3) Yes.
- (4) Dunn and Bradstreet.
- (5)-(7) The member should refer these questions to the companies listed in (1).

GOVERNMENT CONTRACT FOR GAS LIQUID PETROLEUM

1569. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$3m per annum for 60 month period for the provision of gas liquid petroleum in bulk and in cylinders, can the Minister advise -

- (1) Who was the successful tender(s)?
- (2) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (3) If yes, did it include a check of the contractors financial background?
- (4) Who carried out the financial background check?

- (5) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (6) Who are the directors of the company?
- (7) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that -

- (1) Wesfarmers Kleenheat Gas.
- (2) No.
- (3)-(4) Not applicable.
- (5)-(7) The member should refer these questions to Wesfarmers Kleenheat Gas.

GOVERNMENT CONTRACT FOR COMPUTERS

1570. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$10m per annum, open ended for the provision of personal computers through purchases or lease agreements, can the Minister advise -

- (1) Who was the successful tender(s)?
- (2) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (3) If yes, did it include a check of the contractors financial background?
- (4) Who carried out the financial background check?
- (5) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (6) Who are the directors of the company?
- (7) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that -

- (1) Acer Computer Australia Pty Ltd.
Anabelle Bits Pty Ltd.
CDM Australia Pty Ltd.
Comdek Computers (WA) Pty Ltd.
Compaq Computers Australia Pty Ltd.
Compucon Computers (WA) Pty Ltd.
DAT Computers Pty Ltd.
Digital Equipment Corp (Aust) Pty Ltd.
DX Computers Pty Ltd.
Gateway 2000 Pty Ltd.
Hewlett Packard Australia Ltd.
IBM Australia Ltd.
Ipex ITG Pty Ltd.
Nimrod Holdings Pty Ltd.
Tang Computers Pty Ltd.
Total Peripherals Pty Ltd.
Total Support Services Pty Ltd.
Trinix Business Machines Pty Ltd.
WA Data Pty Ltd.
Y-Micro (Aust) Pty Ltd.

- (2)-(3) Yes.
- (4) Dunn and Bradstreet.
- (5)-(7) The member should refer these questions to the companies listed in (1).

JAXON CONSTRUCTION PTY LTD'S CONTRACT

1571. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question on notice 479 asked in the Legislative Assembly in relation to the Works Department's contract with the firm Jaxon Construction worth approximately \$3m for the construction of the Kalbarri multipurpose health centre, can the Minister advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (5) Who are the directors of the company?
- (6) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that:

- (1) Yes.
- (2) Yes, as part of the Department of Contract and Management Services pre-qualification and Builders Categorisation scheme.
- (3) Department of Contract and Management Services.
- (4)-(6) The member should refer these questions to Jaxon Construction.

PALLADIUM GROUP PTY LTD'S CONTRACT

1572. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question on notice 935 asked in the Legislative Assembly in relation to the State Supply Commission Department's contract with the firm Palladium Group Pty Ltd worth approximately \$41 330 for the provision of provision of consultancy services for developing the information dissemination facilities in the State Supply Commission, can the Minister advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (5) Who are the directors of the company?
- (6) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that -

- (1)-(3) Yes. The Palladium Group Pty Ltd was engaged to provide consultancy services to the Commission. The Commission's primary due diligence was with the Palladium Group's experience, skills of personnel, ability and capacity to undertake and manage the assignment, as against the financial aspect of the contractor.
- (4)-(6) The member should refer these questions to the Palladium Group Pty Ltd.

TERRY JOHN CICIORA

Release on Parole

1573. Hon N.D. GRIFFITHS to the Attorney General:

With respect to your answer to question on notice 1308, part 3, what was the information that left you with "considerable concerns"?

Hon PETER FOSS replied:

The information when considered as a whole.

QUESTIONS WITHOUT NOTICE**PATRICK STEVEDORES****1445. Hon TOM STEPHENS to the Minister for Transport:**

- (1) When did the Minister first learn that Patrick Stevedores was considering a corporate restructure that would create several labour hire companies?
- (2) When did the Minister first learn that Patrick was considering rendering its stevedoring workforce redundant and replacing it with contract labour?
- (3) Were these or any related matters relevant to Patrick discussed by the Minister or any of his staff with representatives of Patrick or the Commonwealth Government prior to the dismissal of the Patrick workforce?

Hon E.J. CHARLTON replied:

- (1)-(3) I had no prior discussions or knowledge that Patrick was about to dismiss its workforce. The only discussions I had with anyone and certainly not anyone from Patrick was about the National Farmers Federation's proposal to enter into stevedoring operations on the Australian waterfront. As far as that was concerned, I did not even know the federation would be associated in any way with Patrick and so I cannot answer any of those points of view.

Hon Bob Thomas: When did you have those discussions?

Hon E.J. CHARLTON: Regarding the National Farmers Federation?

Hon Bob Thomas: Yes.

Hon E.J. CHARLTON: After it was up and running and inquired about its movement around Australia and it said it had a plan but it was not sharing its plan with anybody.

FREMANTLE PORT AUTHORITY**1446. Hon TOM STEPHENS to the Minister for Transport:**

- (1) What additional costs have been incurred by the Fremantle Port Authority as a result of the dispute at the port following Patrick Stevedore's sacking of its staff?
- (2) What do these costs comprise?
- (3) How are they to be funded?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Estimate of the costs incurred to date is \$23 215.
- (2) Staff remuneration, legal costs, telephones, barricades, locks and chains, perimeter fencing and gates, and fuel for transport.
- (3) Fremantle Port Authority, as a statutory authority funded by port user charges, simply to enable people to go about their lawful business. Unfortunately the MUA -

Hon Tom Stephens: Like getting their jobs back.

Hon E.J. CHARLTON: I hope they never get them back.

PROPOSED PRISON, OLD PYRTON SITE**1447. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Has the Government decided to locate a prison at the old Pyrton site adjacent to Lord Street, Eden Hill?
- (2) If so, what type of prison will it be?
- (3) If not, has the Government under consideration the location of a prison at this site?

Hon PETER FOSS replied:

- (1)-(3) We certainly have under consideration the location of a minimum security women's prison there but at the moment we are in the course of somewhat delicate negotiations with some of the local people. A final decision will not be made until those negotiations and discussions have been completed.

WORKSAFE CHARGES AGAIN COLES SUPERMARKETS, K-MART AND ROSALIE'S TROLLEYS

1448. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:

I refer to the case of young Andrew Cox killed in a shopping trolley accident at Karratha and ask -

- (1) Is the Minister aware that WorkSafe charges laid against Coles Supermarkets, K-Mart Australia and Rosalie's Trolleys were dismissed because the charges were laid under authority delegated by Commissioner Bartholomaeus during a period when his term of office had expired but had not yet been renewed?
- (2) Will the Minister advise whose responsibility it was to ensure that Mr Bartholomaeus was properly authorised?
- (3) Given that Commissioner Bartholomaeus was not properly authorised between May 1994 and September 1995, are there any other appointments, charges, or rulings made by him during this period that are also invalid or open to charge?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Responsibility for appointment of the Commissioner and Chief Executive Officer of WorkSafe Western Australia lies with the Minister for Public Sector Management.
- (3) No appointments, charges or rulings made between May 1994 and September 1995 are invalid. Some prosecutions may be open to challenge. However, the Government is taking action to cover this situation.

MINISTRY OF JUSTICE WHISTLEBLOWER

1449. Hon J.A. SCOTT to the Attorney General:

On 1 April I asked the Attorney General a question without notice about the showing of pornographic videos in an office of the Ministry of Justice during work hours and his actions to protect whistleblowers from recrimination or harassment. As the Attorney General has not yet answered this question -

- (1) Is the Minister aware that the whistleblower is currently unable to work due to the extreme stress of this unresolved issue?
- (2) Is he aware that the insurance company paying workers' compensation to this person is putting additional pressure on this whistleblower who is suffering from stress?
- (3) Is the Minister aware that the whistleblower is likely to be unable to remain at her job and so suffer considerable financial loss due to her actions in reporting this matter?
- (4) What does the Attorney General intend to do about this and when?

Hon PETER FOSS replied:

I am not sure why this is prefaced by the words "as the Attorney General has not yet answered this question". I have just signed and answered it but I take it that it is not intended in substitution for that or to be the same sort of question. The point is that the member cannot ask questions in substitution while a question is on notice. I take it this is a supplementary question to that question.

I thank the member for some notice of this question.

- (1)-(2) Workers' compensation matters are subject to confidentiality provisions and I can therefore not comment on individual claims. I can, however, assure the House that the Ministry of Justice, and its insurer, adhere to the relevant standards and procedures in respect of workers' compensation claims.
- (3) Again, I cannot comment specifically. As a general comment, I advise that the placement of staff is, in such circumstances, in accordance with the relevant procedures and standards.

- (4) I am assured that the Ministry of Justice and its insurer manage claims appropriately and I do not intend to intervene in this process.

There have been other questions on individual workers' compensation insurance claims and although we have attempted to answer those questions with a degree of circumspection, there have been complaints from the employers and the Ministry of Justice that personal matters of related workers' compensation claims are being aired in this Parliament. That is a matter of some concern.

NATIVE TITLE CLAIMS

1450. Hon GIZ WATSON to the Minister for Mines:

With reference to question 1377 on 1 April 1998 -

- (1) How many staff are currently allocated to the Department of Minerals and Energy's native title section?
- (2) What is the role of each of the staff members in that section?
- (3) What is the average time for processing a native title claim over a -
 - (a) prospecting lease;
 - (b) exploration lease;
 - (c) mining lease?
- (4) How many officers are involved directly with negotiations with the 320 concurrent negotiations for the 150 tenements identified by the applicants as priority?
- (5) What percentage of these are -
 - (a) prospecting licences;
 - (b) exploration licences;
 - (c) mining leases?
- (6) How many and which of these are held by the Acclaim group of companies?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Currently 21 staff are involved in native title matters with the Department of Minerals and Energy.
- (2) The Department of Minerals and Energy has 14 staff from the land access unit and corporate executive dealing with future act negotiation matters, including policy formation, and seven staff from the mineral titles division involved in processing titles through the future act regime of the Native Title Act.
- (3) The Department of Minerals and Energy does not process native title claims. The National Native Title Tribunal is responsible for that aspect of the Native Title Act.
- (4) The land access unit within the DME has 10 staff involved in native title negotiations.
- (5) Percentages for the 320 concurrent negotiations are -
 - (a) prospecting licences 2 per cent;
 - (b) exploration licences 12 per cent;
 - (c) mining leases 77 per cent.
 - (d) Other 9 per cent.
- (6) Of the 320 concurrent negotiations in which the department is currently involved, none involves the Acclaim group of companies.

MINISTERIAL TRAVEL

1451. Hon MARK NEVILL to the Minister for Finance:

- (1) Can the Minister confirm that in the period January to October 1997 he visited the following places -
 - (a) South Africa and Zimbabwe between 16 and 27 January 1997;
 - (b) Munich, Frankfurt, Prague, Budapest and Vienna between 24 June and 28 July 1997;
 - (c) Amsterdam, London and Paris between 20 September and 21 October 1997?

- (2) Will the Minister table the itineraries for those ministerial visits?
- (3) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) It has been confirmed that I visited the places stated by the honourable member. However, the visit to Munich, Frankfurt, Prague, Budapest and Vienna was undertaken from 28 June to 24 July 1997.
- (2) Yes. I table a copy of each of the itineraries for the official visits in question.
- (3) Not applicable.

[See paper No 1557.]

GOVERNMENT TIPPING POLICY

Use of Credit Card

1452. Hon TOM STEPHENS to the Minister for Finance:

In relation to the Minister using his Government credit card to provide \$100 in tips to local restaurants, can the Minister confirm that at the time of the tipping, his actions were in breach of Government guidelines which prohibited the use of taxpayers' moneys for such a purpose? If yes, what steps has he taken to repay this money from his own considerable resources?

Hon MAX EVANS replied:

As I was doing business on behalf of the Government, the first was in respect of a conference in Perth which was attended by a thousand persons. I entertained some of the leading guests at the conference including the deputy chairman of the Hong Kong trotting club, and the heads of the Swedish TAB and lotteries commission. A ruling was brought out in January 1995 that tipping was acceptable overseas but not locally. I was not aware of that. I believe that tipping is part of the normal course of business. What I could have done was to pay the tip in cash and collect it from petty cash afterwards. However, I did it the right way. I get exceptionally good service from those people.

Hon Ljiljanna Ravlich: You were charged a service charge of \$20.

Hon MAX EVANS: Be quiet! I do a lot of business with people from overseas. I believe that is the way it should be done and I did it the right way. Subsequent to that a letter was issued to change that policy, which is as it should be.

TRANSFORM WA BUDGET

1453. Hon NORM KELLY to the Minister for Transport:

- (1) What was the advertising and publicity budget for the launch of the Transform WA initiative?
- (2) What was the budget for conducting community consultation forums and surveys in formulating the Transform WA initiative?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) \$462 250, which includes all print and electronic media initiatives. That includes advertising in local community newspapers and television advertising in both the country and metropolitan areas. From what I have heard today that will have to continue for some time so that people are properly advised about the program.
- (2) The direct cost was \$9 500. I spent considerable time meeting with local government and other interested groups to outline the transport initiatives and to allow concerns to be considered. I invited every known road user group and member of Parliament, directly and indirectly, to submit written requests to me about public transport and road initiatives; that is, public transport, roads and other general road initiatives. I advised those organisations what the community wanted me to do and invited them to comment. I do not think that had been done in Western Australia before. A number of organisations responded. The RAC wanted more roads, but only in the metropolitan area. It did not think the road from Mt Magnet to Leinster was important. The member queried the monetary cost of advertising. However, more important than that

is that after five years of people making demands, the Transform WA initiative will answer the calls of half of those people about roads in their areas. This Government has made a decision on behalf of the people of WA and I would be interested to hear what members opposite want done about the other 50 per cent.

ADVERTISING ON NOTIFICATION OF BIRTH FORMS

1454. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Is the Attorney General aware that the Ministry of Justice is calling for expressions of interest from organisations wishing to promote or advertise their products and services on the notification of birth form issued by the Registrar General's Office?
- (2) Is the Attorney General aware that the ministry is stating in its call for expressions of interest that organisations advertising their products or services especially in relation to baby products would have the advantage of reaching their market around the time of birth when brand name loyalty could be promoted?
- (3) Will the Attorney General be offering similar advertising opportunities for marriage and death certificates, and if yes, what markets will be targeted so that brand loyalty can be promoted?

Hon PETER FOSS replied:

- (1)-(2) No.
- (3) I thank the member for his kind suggestion and will be grateful to receive further helpful remarks from him as to how we could do that.

PATRICK STEVEDORES

1455. Hon GREG SMITH to the Minister for Transport:

Could the Minister inform the House of the events in the waterfront dispute with Patrick Stevedores at Fremantle?

Hon E.J. CHARLTON replied:

The latest information I received today is that the High Court has deferred its decision on the Federal Court's decision of last week until tomorrow. At this stage the standoff - it is a standover - continues to operate at Fremantle. Patrick sent its fuel truck to BP for fuel supplies for its operation. The company was advised that the Maritime Union of Australia would not allow the truck back on the site without negotiations with the MUA. The union said that it would abide by the court's decision if it suited it, but not if it did not suit it.

Several members interjected.

Hon E.J. CHARLTON: Members opposite should hang their heads in shame; they are a disgrace to Australia.

The PRESIDENT: Order! Minister, please wait 30 seconds until everyone calms down. If members want to hear the Minister's answer they should not interject.

Hon E.J. CHARLTON: That is another example where the picket line at Fremantle remains in place while people are being stymied from going about their lawful business. It seems that anarchy reigns in Australia.

Hon Bob Thomas: It is corporate anarchy.

Hon E.J. CHARLTON: If a union does not agree with a court's decision it can picket, use violent tactics and threaten people to stop them going about their lawful business and the police take no action to charge individuals. However, the Western Australian community is imploring the police to take action against those who break the law because of violence in our society. We have one rule for one group of people and a different rule for another group. While the decision of the High Court is in limbo, a group of people in Fremantle are telling the police who can take a truck in and out of Patrick's wharf. I understood that at 4.30 pm the vehicle would attempt to deliver the fuel to enable Patrick to carry on with its operations. Members need have no better example than this to demonstrate the total arrogance and violence of this group of people towards the law of this nation.

The PRESIDENT: Order! Minister, you are starting to enter into other realms.

Hon E.J. CHARLTON: Patrick is at a standstill. People who are trying to go about their business are being questioned as to whom they act for. Even when the High Court brings down its decision, it will be far from the end of the matter.

MINISTER FOR FINANCE

Travel Overseas

1456. Hon TOM HELM to the Minister for Finance:

- (1) Has the Minister travelled overseas in his capacity as Minister since 30 September 1997?
- (2) If so, what was his destination and the purpose of the travel?

Hon MAX EVANS replied:

- (1)-(2) Had the member asked this question before that asked by Hon Mark Nevill, I could have given him chapter and verse. I travelled overseas in October, and the papers on that have been tabled. I suggest that the member read those papers.

MORNING AFTER PILL

1457. Hon M.D. NIXON to the Minister representing the Minister for Health:

Regarding the so-called "morning after pill", will the Minister advise -

- (1) Is this medication available on demand in Western Australia?
- (2) If no to (1), why not?
- (3) Is the medication available under prescribed circumstances?
- (4) If yes to (3), under what circumstances is the medication available?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) A number of products can be used for this purpose. They must be prescribed by a medical practitioner, and the one used depends upon the individual patient's requirement. There are no products registered in Australia with an indication as a "morning after pill". However, the following substances may have this effect: ethynodiol diacetate with ethinyloestradiol; levonorgestrel with ethinyloestradiol; norethisterone with ethinyloestradiol; norethisterone with mestranol; misoprostol.
- (2) Not applicable.
- (3) Yes.
- (4) Following consultation with a medical practitioner.

COLLIE HOSPITAL SOCIAL WORKER

1458. Hon J.A. COWDELL to the Minister representing the Minister for Health:

- (1) Can the Minister confirm that the social worker has left the Collie Hospital?
- (2) If yes, when did the social worker leave?
- (3) Has a replacement social worker been appointed?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) 7 December 1997.
- (3) No.
- (4) The position was left vacant while the appropriateness of the role was reassessed. The position was advertised two weeks ago with no applicants as at the closing date of 24 April 1998.

WORKSAFE WA PROSECUTIONS

1459. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) How many prosecutions by WorkSafe WA were authorised from May 1994 to September 1995?
- (2) How many of these prosecutions are now invalid as a result of the ruling in the Karratha court in regard to the Andrew Cox case?
- (3) Why did it take more than a year to reappoint Mr Bartholomaeus to his position as WorkSafe Commissioner?
- (4) Was his position under threat and, if so, why?
- (5) How many CEOs are currently in acting positions, and what percentage of the total number of CEOs is that?

Hon PETER FOSS replied:

- (1) Prosecution action against 68 entities for 94 breaches of the Occupational Health, Safety and Welfare Act were authorised from May 1994 to September 1995.
- (2) None of the prosecutions in that period is invalid as a result of the ruling in the Karratha court regarding the Andrew Cox fatality.

Please place questions (3), (4) and (5) on notice for the attention of the Minister for Public Sector Management.

LOCAL AREA PLANNING PROGRAM PUBLIC RELATIONS CONSULTANT

1460. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) Will the Minister confirm that a public relations consultant has been engaged to assist with the presentation of the local area education planning program for western suburbs high schools?
- (2) If yes, why has the Minister found it necessary to engage a public relations consultant for this purpose?
- (3) What are the specific functions of the public relations consultant?
- (4) Which public relations consultant has been engaged for this purpose?
- (5) What is the total cost of engaging this public relations consultant?

Hon N.F. MOORE replied:

- (1) Yes. The Education Department has contracted a public relations consultant to assist all district directors (schools) throughout the local area education planning process.
- (2) In order to assist the community consultation process, this consultant is assisting the district directors (schools) in developing communication strategies with the community about local area education planning.
- (3) The specific functions of the public relations consultant include preparation of media releases and preparation of information brochures for the school and wider community.
- (4) Stratagem Advertising and Communications Consultancy Pty Ltd.
- (5) The total cost to date for engaging this public relations consultant has been \$16 158.96.

COLLIE HOSPITAL PHYSIOTHERAPIST

1461. Hon BOB THOMAS to the Minister representing the Minister for Health:

- (1) Can the Minister confirm that Collie Hospital has lost the services of its physiotherapist?
- (2) If yes, for what period has the hospital been without this service?
- (3) What action has the Minister taken to provide a replacement for this position?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.

- (2) One week.
- (3) The Collie Health Service advertised both within the State and nationally for the vacancy to be filled initially in September 1997. The advertisements were placed again in the state and national Press in October 1997, in January 1998, and three times - two positions - in April 1998, and will rerun on 2 May 1998. All locum agencies have our vacancies registered for urgent consideration. All metropolitan hospitals were contacted for assistance. Several other health services were contacted for casual support. The two local private physiotherapy practices are contracted to provide support for all cases considered by the local doctors. A potential locum is visiting tomorrow to discuss possible employment.

DIESEL POWERED BUS PURCHASE

1462. Hon J.A. SCOTT to the Minister for Transport:

- (1) Will the diesel powered buses being purchased by Transperth/Department of Transport work as efficiently and cleanly with Australian standard diesel - 5 000 ppm sulphur - as they do with European city diesel, which contains less than 500 ppm sulphur?
- (2) Will the buses be fitted with catalytic converters or particle traps, and will these work with Australian dirty diesel?
- (3) What tests have been done with these motors using Australian high sulphur diesel?
- (4) Will the city diesel be imported for use in the buses as stated by the Minister and, if so, from where will the diesel be imported?
- (5) What prices per litre have been quoted to the Department of Transport for low sulphur - less than 500 ppm - diesel; and if no quotes have been obtained, what is the estimated cost per litre landed in Western Australia?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) Euro 2 diesels do not require a catalytic converter to achieve the desired levels, and the engines will perform with Australian diesel.
- (3) Transport is currently operating the 16 Euro 2 CAT buses on standard diesel.
- (4) Low sulphur diesel is refined locally at Kwinana for BP, Ampol and Shell from crude oil which is imported from the Middle East, Indonesia and the North West Shelf and a number of other minor sources.
- (5) Locally produced low sulphur diesel can be supplied now to Transport from BP at a cost penalty of less than 10 per cent increase over standard diesel.

DIESEL POWERED BUS DECISION

1463. Hon RAY HALLIGAN to the Minister for Transport:

Can the Minister inform the House how and why the decision was made to buy a majority of diesel buses for the Perth fleet?

Hon E.J. CHARLTON replied:

I went through this question in some detail earlier today. The decision had two key components: Firstly, this is a 12 year contract, but the first purchase of buses is the first year's allocation. Of the 133 buses to be purchased, at least five will run on gas, and we will set up an evaluation committee comprising members with the required expertise - not necessarily restricted to Western Australians. The committee will have an independent chairman, and will evaluate in a working situation the advantages or disadvantages of and the difference between the use of gas and diesel. That will be a fair process. Secondly, if we were to buy 133 vehicles in the first year we would need to put a gas installation in all the depots. Five of the new contractors will not begin operations until 4 July. It will be for them to decide where to locate their depots, and that decision cannot be made quickly. A bad feature of the MetroBus operation was the very large depots, which contributed to 25 per cent dead running. Drivers returned their vehicles to one main depot, whereas the new operators have created new depots in the particular service areas. That means that if AlintaGas were the supplier of the fuel source, it would need to reticulate gas into all of those depots, otherwise we would lose the flexibility of the gas operations. That is the basic decision. Following the evaluation by this group of independent people, we will then be in a position to properly make a decision about subsequent purchases of vehicles in the following years, which will be about 65 vehicles per year for the remainder of the contract.

SODOMY

1464. Hon HELEN HODGSON to the Attorney General:

I refer the Attorney to his answer dated 10 September 1997 to question without notice 769 and ask -

- (1) Did the Attorney tell the Legislative Council that prior to 1992, a non-discriminatory provision made sodomy illegal, whether it was male, heterosexual or homosexual?
- (2) Is the Attorney aware that between 1989 and 1992, sodomy between consenting heterosexual couples was not in fact illegal as it was removed from the Criminal Code by the Law Reform (Decriminalisation of Sodomy) Act 1989?
- (3) If yes to (2), does the Attorney accept that this fact contradicts his answer to question 796 and that he has misled the Council?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) I said that the wide range of discriminatory provisions against homosexual activity, not just sodomy, was introduced in 1992.
- (2) Yes.
- (3) No.

INDUSTRY POLICY OF AUSTRALIAN LABOR PARTY

1465. Hon GIZ WATSON to the Leader of the Opposition:

I refer to the industry policy established at the Australian Labor Party's annual conference at Hobart in January 1998. In respect of the ALP's policy on uranium mining, I understand the Labor Party will prevent, on its return to government, the development of any new uranium mines.

- (1) Will the Leader of the Opposition identify at what stage in a uranium mine's development it is classified as a mine?
- (2) Does the proposed RTZ Exploration (Australia) Pty Ltd uranium mine at Kintyre fall within the definition of a mine according to his party's policy?

The PRESIDENT: Order! Does that question relate to a matter on the Notice Paper of which the Leader of the Opposition is in charge? I do not think it does; and, if it does not, the question is out of order.
