WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 10 November 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

JACK McKAY STEWART - CONDOLENCE MOTION

MR COURT (Nedlands - Premier) [2.02 pm]: I move -

> That the House records its sincere regret at the death of Mr Jack McKay Stewart and tenders its deep sympathy to his family.

Jack Stewart was born in Perth on 15 April 1912, the son of Alexander Stewart and Isabella Carmichael. He was educated at various state schools and Scotch College until early 1928. He married Isobel Lillian Haldane on 15 February 1944 at St Andrew's Church, Subiaco. From 1928 to 1939 Jack Stewart worked on his mother's wheat and sheep farm near Bruce Rock. He farmed his own property from May 1939 to February 1977, before retiring to live in South Perth.

Jack Stewart joined the Liberal Party in 1950 and entered this House when he became the member for Merredin-Yilgarn on 23 March 1968. Prior to entering this House he represented the local Bruce Rock community for 20 years as a member of the Bruce Rock Road Board and Shire Council from April 1946 to April 1963, as vice-chairman of the Road Board from 1950 to 1952, as chairman from 1952 to 1961, and as shire council president from 1961 to 1963. He also served as the Vice Chairman of the Road Board Association of Western Australia from 1951 to 1959, and as Chairman from 1959 to 1961. He was Chairman of the Great Eastern Ward of the Road Board Association from 1955 to 1967, and was President of the Australian Council of the Local Government Association from 1960 to 1961. Jack Stewart was also a member of the Bush Fires Board from 1955 to 1963, and a member of the Agriculture Protection Board from 1961 to 1964. He was appointed a justice of the peace on 29 November 1952, and was a councillor of the National Heart Foundation of Australia, WA division.

In his maiden speech to this House on 15 August 1968 Jack Stewart paid tribute to the previous member for Merredin-Yilgarn, Hon Lionel Francis Kelly, who was a member of this Chamber for 27 years. In addition, issues such as the provision of education services in the country, electricity supplies, farm management courses, health services, roads and soil conservation were of such concern to Jack Stewart as to merit mention during his first speech in this House. He went on to say that the No 1 factor which made his electorate so great was the people and how they had toiled for more than 30 years to transform the area into one of the major grain-producing districts in this State.

Jack Stewart served the community with distinction. Our deepest sympathy is extended to his wife, Isobel, and his children, Jill and David, and their families.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.06 pm]: On behalf of the State Opposition, I join with the Premier in offering my sympathy and condolences to Isobel Stewart, their two children, Jill and David, and their families on the death of Jack McKay Stewart, the former member for the seat of Merredin-Yilgarn. Although I never met Mr Stewart, the Premier's comments indicate very clearly that even prior to his entering the Parliament, he was very active in his local community and well aware of the pressing issues and concerns of the day in his electorate. He served his community with distinction and is a fine example of someone who genuinely cared for and worked hard on behalf of the local community. Our deepest sympathy is extended to his wife, Isobel, and their family.

MR COWAN (Merredin - Deputy Premier) [2.07 pm]: It is with a degree of sadness that I speak about Jack Stewart because he, more than anyone else, introduced me to the cut and thrust of politics when he won the seat of Merredin-Yilgarn in 1968. I knew him reasonably well at the time and spent some time with him discussing his change to a new profession. As the Premier and the Leader of the Opposition said, Jack Stewart is probably better known for his contribution to the community in which he lived; that is, the Shire of Bruce Rock and the greater eastern wheatbelt region. He served for many years as President of the Bruce Rock Shire Council, and for 12 years as Chairman of the Great Eastern Ward of the Road Board Association. Through that service to the community he became well known as a person capable of winning a seat in the Parliament. It is typical of the man that he set himself the target of winning a seat that had been held for more than 27 years by Lionel Kelly for the Labor Party, since its inception. In 1968 Jack Stewart was able to win the seat for the first time for the Liberal Party. Unfortunately, he was not able to hold it at the following election, so he served for only one term. In 1971 the Tonkin Labor Government came to power, but the seat was wrested back for the conservative parties in 1974.

I place on record my sympathy to the Stewart family - Jack's wife, Isobel, and their children, Jill and David. This Parliament should record the passing of people such as Jack Stewart who make a contribution to this Parliament, even though only for a short time.

Question passed, members standing.

FILMING IN THE CHAMBER

Statement by Speaker

THE SPEAKER (Mr Strickland): I advise members that a film production company has been engaged to update the audio and video tapes relating to the parliamentary education program, which is primarily directed at schools and other interested organisations. The project is now well under way and the production company is in a position whereby it needs to film both Chambers in session. To facilitate the project I have agreed to allow the production people to film proceedings from just inside both side doors and from the public gallery at various stages during the sittings on Wednesday and Thursday this week. In particular, the formal proceedings, including the Speaker's procession, the reading of prayers and the presentation of petitions, will be filmed on Thursday morning.

CORRECTION TO TABLED PAPER

Statement by Speaker

THE SPEAKER (Mr Strickland): I have received a request from the Commissioner for Public Sector Standards to amend his annual compliance report for 1997-98, which was tabled in the House on 20 October 1998. The report contained a reference to a breach of standards by the Department of Local Government instead of the Keep Australia Beautiful Council, and breaches of standards by the South East Metropolitan College of TAFE when the reference should have been to TAFE colleges generally. Accordingly, under the provisions of Standing Order No 223, I advise the House that I have authorised the necessary corrections to be made.

CORPORAL PUNISHMENT

Petition

Mr MacLean presented the following petition bearing the signatures of 140 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, call on the members of the State Parliament of Western Australia to immediately pass legislation allowing for the use of the birch against offenders who assault the elderly and the most vulnerable in our community and to those who peddle drugs to our children.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 73.]

DAIRYING, POTATO AND EGG INDUSTRIES

Petition

Mr Masters presented the following petition bearing the signatures of 33 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request that the WA Government and the Minister for Primary Industry publicly state their support for the continued orderly marketing of the dairying, potato and egg industries, on the grounds that there are important public benefits such as:
>
> stable prices to consumers
>
> viable incomes for producers
>
> guaranteed supplies to processors and
>
> maximum opportunities to exporters through price stability.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 74.]

BP GARAGE SITE, GUILDFORD

Petition

Mrs Roberts presented the following petition bearing the signatures of four persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, believe that the contaminated site known as the BP Garage site on the corner of Helena and Johnson Streets in Guildford, does pose a significant risk to the surrounding community and environment. Dangerous levels of contaminants have been detected off-site. These contaminants are known carcinogens. Residents are living in close proximity to this site and the Swan river is only 500 metres away. A contaminated plume of groundwater has been mapped and shows that the contamination is migrating towards the Swan river and has already spread underneath many residential properties in the area. We therefore request that the council instigates an immediate full assessment, including a risk assessment, of the impact this site will create during its remediation and investigations into the extent of contamination already released into the environment to date.

We also request that the site be rezoned to a more appropriate land use ie commercial, residential or a community land use. The community believes that this site should not be allowed to operate as a petrol station any longer because of the sensitive environment surrounding it. That is, the close residential properties and the junction of the Swan and Helena rivers. The community and the environment must be protected.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 75.]

APPOINTMENTS TO ANTI-CORRUPTION COMMISSION

Statement by Premier

MR COURT (Nedlands - Premier) [2.20 pm]: I advise the House of the recent appointment of two members to the Anti-Corruption Commission. The appointments have been approved by the Governor in Executive Council. They were made in accordance with the recommendations of a committee consisting of the Chief Justice, the Chief Judge of the District Court and the Solicitor General. Mr Don Doig, a member of the commission for the past two years, has been reappointed for a further term which will expire in October 2000. He is joined on the commission by Mr Robert Neil George, who has been appointed for a term of one year. Mr George replaces Commodore David Orr, RAN retired, who did not seek reappointment. Mr George has had extensive experience in the State's public sector and was a commissioner of the Western Australian Industrial Relations Commission from December 1987 until his retirement in February last year. I would also like to pay tribute to the work of Commodore Orr, who played an important role in the State's official corruption agencies. After a distinguished naval career, Commodore Orr served as the executive officer of the then Official Corruption Commission from 1989 to 1996. After his retirement from that position, he was appointed as an inaugural member of the Anti-Corruption Commission. The current membership of the commission is Mr T. E. O'Connor QC as chairman, Mr Doig and Mr George.

WORKSAFE WA COMMISSIONER, RETIREMENT

Statement by Premier

MR COURT (Nedlands - Premier) [2.22 pm]: I advise the House that the former WorkSafe Western Australia commissioner, Mr Neil Bartholomaeus, has retired from the public sector. He has accepted a management-initiated retirement package and retired from the public sector as well as from his position as WorkSafe Western Australia Commissioner. Mr Bartholomaeus' decision to leave the public sector follows the request by the Minister for Labour Relations that he be transferred from the position of chief executive officer of WorkSafe Western Australia. This transfer was effected under section 50 of the Public Sector Management Act and was not related to the disciplinary process that had been commenced under section 81. Following independent legal advice, it was clear that even if fully proved, no potential breach by Mr Bartholomaeus could ever have resulted in his being dismissed. The most likely outcome would have been a reprimand. Mr Bartholomaeus was a senior officer with entitlements of a considerable magnitude. His contract would not have expired until 23 September 2001. The sooner the relationship between Mr Bartholomaeus and the State was brought to a conclusion, the less the financial impact upon the State would be.

I conclude this matter by reminding members of the positive contribution that Mr Bartholomaeus has made in the area of workplace safety. He was appointed by the Labor Government and reappointed by this Government. From 1991-92 to 1998 there has been a reduction in the rate of time lost through occupational injuries and diseases and a decrease in the overall rate of workplace fatalities. There has also been a 60 per cent increase in the rate of prosecutions, a 75 per cent increase in improvement notices issued and a 71 per cent increase in prohibition notices issued. Mr Bartholomaeus has been leading WorkSafe throughout this period. His strength of personality is well known and although at times it may have led to controversy, it has also enabled him to bring strong leadership to this fundamentally important area of workplace safety. I hope that members will join me in wishing him all the best in his future endeavours. Finally, Mr Brian Bradley was appointed Commissioner of WorkSafe Western Australia on receipt of Mr Bartholomaeus' resignation.

TIME ON OUR SIDE - A FIVE YEAR PLAN FOR WESTERN AUSTRALIA'S MATURING POPULATION

Statement by Minister for Seniors

MRS PARKER (Ballajura - Minister for Seniors) [2.24 pm]: Last week the Government launched "Time on Our Side - A Five Year Plan for Western Australia's Maturing Population". People aged 60 years or more currently make up 14 per cent of Western Australians. By 2021 they will make up almost a quarter of the population. The community has not yet fully realised the effect of our ageing population. "Time on our Side" is an across-government policy framework. It is a vehicle to lead the community forward in the vision of positive ageing, where seniors will continue to make valuable contributions and to lead fulfilling lives. One of its significant themes is the building of bridges between the generations. In building that bridge, we are able to break down the myth that age equals dependence or frailty. The five-year plan has four objectives -

to generate government policy and service initiatives to meet the needs of an older population;

to raise community awareness about the ageing of our population;

to encourage individuals to take a life-long, positive approach to planning for their senior years; and

to encourage the private sector to view this demographic shift as providing market opportunities for service and product design initiatives.

What we want to achieve with the implementation of this plan above anything else is a shift in thinking. We need this shift in thinking not only in government, but also in the community, the private sector and the media. I commend the media for its commitment to the issue last week. This plan is the first step in an ongoing process and the catalyst for long-term, whole-of-community planning. "Time on our Side" addresses 12 priority areas identified during widespread community consultations. It includes more than 80 specific actions to be implemented by 32 government agencies. It covers issues relating to health, transport, education, employment, housing, financial independence, safety and security. The emphasis in this document is to establish the policy framework for the medium and long term. It also provides specific initiatives for the early stages, most aimed at generating further change. The plan does not cover everything that will be done but includes initial activities for which more than $4m will be allocated.

Some of the major initiatives during 1999 will be -

the establishment of a centre for positive ageing;

the provision of $100 000 in seed funding to engage local government authorities in planning for their ageing population;

the provision of land and construction costs for a pilot seniors housing project to showcase innovative designs;

the staging of a universal design competition and expo highlighting the needs and market opportunities of seniors across a range of products, including housing;

the development of a seniors register as a means of increasing police contact with interested seniors to reduce fear of crime; and

research into barriers restricting mature-aged employment.

I thank all those who contributed to this plan, especially members of the Seniors Ministerial Advisory Committee, chaired by the member for Bunbury. I also thank the Opposition for its offer of bipartisan support for this important plan aimed at achieving a Western Australia for all ages.

[Questions without notice taken.]

BILLS - ASSENT

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

1. Births, Deaths and Marriages Registration Bill.
2. Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill.
3. Fire and Emergency Services Authority of Western Australia Bill.
4. Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Bill.
5. Curtin University of Technology Amendment Bill.

BILLS - APPROPRIATIONS

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. State Records Bill.

2. Culture, Libraries and the Arts Bill.

3. Culture, Libraries and the Arts (Consequential Provisions) Bill.

4. Sentence Administration Bill.

BILLS - RECEIPT AND FIRST READING

1. Government Railways (Access) Bill.

2. Dangerous Goods (Transport) Bill.

3. Dangerous Goods (Transport) (Consequential Provisions) Bill.

Bills received from the Council; and, on motions by Mr Omodei (Minister for Local Government), read a first time.

PREMIER - CENSURE MOTION

Suspension of Standing Orders

MR KOBELKE (Nollamara) [3.05 pm]: I move -

> That so much of the standing orders be suspended as is necessary to allow me to move a motion of censure against the Premier.

I understand that the Government is willing to allow this debate to proceed, and the Opposition will keep its contribution to a reasonable length in order not to hold up the other business of the House.

MR COWAN (Merredin - Deputy Premier) [3.06 pm]: As indicated by the member for Nollamara, the Government is prepared to follow convention and immediately defend any proposal of censure of any of its members. On that basis, a behind-the-chair agreement has been reached. I look forward to seeing whether members can meet the challenge set in the proposed time frame for debate. The Government is not opposed to the motion to suspend standing orders, and it will very vigorously enter debate on the motion.

Question put and passed with an absolute majority.

WORKSAFE WESTERN AUSTRALIA - PREMIER'S HANDLING OF INQUIRY

Censure Motion

MR KOBELKE (Nollamara) [3.07 pm]: I move -

> That this House censures the Premier for his handling of the Bartholomaeus affair in that the Premier -
>
> (1) was responsible for lengthy delays in dealing with the matter;
>
> (2) has failed to fully and honestly address the facts relating to the case; and
>
> (3) has been involved in the fabrication of a fictitious story that seeks to deny the truth of what happened.

This is a most serious matter which must be raised at the first available opportunity. The material I will lay before members today has come to my attention only since the House last sat. I will be presenting today correspondence to and from the Premier which indicates that he was embroiled in a range of matters which have set out to deceive this House and Parliament. The Premier's involvement is a most serious matter. I need to place a few matters on the record because of the complexity of the issue. If we are to understand the importance of the Premier's actions and statements, we must understand the background to the matter.

The issue arose on 26 June 1997 when Mr Neil Bartholomaeus, the then WorkSafe Western Australia Commissioner, issued a press release stating that WorkSafe would not deal with unions or union members for six months. That was a matter of considerable public debate at the time. It was supported by the then Minister for Labour Relations, and it was a matter of which the Premier was aware and upon which he took no action. The Premier simply delayed the matter. When a complaint was made and the Commissioner for Public Sector Standards asked the Premier to provide a report, the Premier repeatedly delayed the matter. I will not go through that in this debate. However, ample information is available on the files, which were obtained under the Freedom of Information Act, to show that the Premier's office delayed the whole process for well over 12 months. In debate in this place the Premier refuses to face up to the facts. There has been a continuation of the process of delay and obfuscation, and of trying to sweep the facts under the carpet to ignore the realities of what was going on. This came from the Premier who, as Minister for Public Sector Management, had direct responsibility for employing Mr Bartholomaeus and the legal responsibility to take any action for any breach of the conduct required of a person in

Mr Bartholomaeus' position. Time and again the Premier has issued statements in this place that are either nonsensical or not true. I will give one example only, because I do not want to hold up the debate.

On 8 September the Premier stated -

> The Commissioner for Public Sector Standards' report contains no finding to the effect that Mr Bartholomaeus failed in any way to comply with any of his obligations under the Public Sector Management Act, the code of conduct or the code of ethics.

In a strict technical sense that is correct, although it totally misled the House. That encapsulates what the Premier said on a number of occasions: There was no problem, and the issue did not need to be dealt with any further. That is misleading, because the report from the Commissioner for Public Sector Standards made a strong and telling case against Mr Bartholomaeus. However, he did not make a finding against Mr Bartholomaeus, because he did not have the power to make that finding - the Premier does. The Premier had to make a finding of that nature. All the information was laid out in Mr Saunders' report, and the Premier ignored it.

The Opposition also asked questions of the Premier about the draft report which said things directly about Mr Bartholomaeus. However, Mr Saunders was advised that he could not make a finding against Mr Bartholomaeus because of a technicality, so the wording in the report was changed to read "WorkSafe". However, in the letter which was attached to the draft report sent to Mr Bartholomaeus and dated 3 August, Commissioner Saunders advised Mr Neil Bartholomaeus -

> I wish to inform you that I consider it probable that I will make an adverse finding against you and hereby notify you accordingly.

The Premier received a reasoned report outlining the problems with the behaviour in WorkSafe of Mr Bartholomaeus. The Premier had access to a letter from Mr Saunders that indicated the evidence stacked up in only one way - that is, Mr Bartholomaeus was guilty of the transgressions. Yet the Premier made a statement in this House indicating there were no problems. Technically the Premier got it right. However, he misled the House in the context of the debate. The letter from Mr Saunders points out clearly that there was a major issue, and anyone reading the report with any sense of honesty could see it was a major issue. However, time and again the Premier tried to fob it off.

I will outline briefly the policy that caused the problem. The press release of Mr Bartholomaeus of 26 June 1997 contained the following sentence -

> We will have nothing to do with union representatives for the next six months and review our policy after that.

That is a clear statement put out by Mr Bartholomaeus. It was carried by the media. He later spoke on talk-back radio, and there was article after article in the Press. It was an established policy, yet the Premier would have us believe no such policy was implemented. Mr Bartholomaeus sent a note to his staff in WorkSafe. This has only come into my possession since the House last sat. An email from Neil Bartholomaeus sent to "EVERYONE" dated Thursday, 26 June 1997 at 4.14 pm and headed "MEDIA STATEMENT ON INTRUSION BY UNIONISTS" reads -

> Folks,
>
> Please see attached the statement I have issued to the media.
>
> Please note the reference to relations with union representatives for the next six months. That is a direction to all staff. I will be discussing with the Chairman of the WorkSafe Western Australia Commission our relationship with union representatives in that body.
>
> We are a law enforcement body and we will not be intimated by thugs.
>
> Thanks,
>
> Neil

All staff were requested to comply with the directive that the commissioner had issued. That directive was followed. The Premier tried to create the fiction that it was not implemented. It might not have been implemented fully or perfectly, but it was a policy that was announced and staff were told to comply with it, and they did. I will give one example of a range of WorkSafe Western Australia request-for-investigation forms which are completed when people telephone with a complaint. The duty inspector shown on the first form is Peter Green and it is dated 30 June 1997. The caller's name is Dave Simpson of the Construction, Forestry, Mining and Energy Workers Union of Australia, but I will not go into the problem on the construction site. The notation under the heading "Action Proposed" reads -

> I advised Mr Simpson WorkSafe WA will not respond to union complaints. However, if an employee or S & H rep make similar complaint an inspector will attend.

The signature looks like P. Green. The "Action Taken" section reads -

> I contacted S & H rep -

That is the safety and health representative -

> - & site supervisor, explained policy.

A range of those reports indicate that many of the officers implemented the policy put in place by Mr Bartholomaeus. I will give just one example of the correspondence which is on the public record but not used, to my knowledge, in this place. Mr David Hopperton, the Assistant Secretary of the Australasian Meat Industry Employees Union, wrote to Mr Bartholomaeus on 11 August 1997 attaching a range of complaints about Clover Meats, Waroona. I will not go into the technical problems, but the union had tried to fix matters through the proper process. When its requests were not acted upon, the AMIEU wrote directly to Mr Bartholomaeus. The reply from Peter Shaw, the Executive Director of WorkSafe, addressed to Mr Hopperton reads -

> I refer to your letter of 11 August 1995 addressed to the WorkSafe Western Australia Commissioner regarding concerns of your union at Clover Meats, Waroona.
>
> Please arrange for an employee of the company to contact WorkSafe Western Australia about employee concerns at the workplace . . . Calls from the employee will be treated as confidential if required.

That is a clear example of the lack of action relating solely to the fact that a union made the complaint and requested that action be taken. Some complaints may have been followed through, but the policy was pursued and in this case there was a victim. The union went back to the shop floor and advised its members that someone must make a complaint. A worker did that, and was most upset because his or her name was given to management. That worker felt victimised because he or she had to make the report and his or her name was passed to management. I have given just one example of the many victims of the implementations of Mr Bartholomaeus' policy. For the Premier to suggest otherwise is a total fiction.

The Premier must have some understanding of what he has been saying. It is ludicrous to suggest that the blame can be moved and things can be rearranged by saying that a policy that is announced publicly and implemented - at least to some degree - does not count or had no effect because it was not really in place. That is a nonsense because the Premier even today in this House made statements about how effective WorkSafe is, and Mr Bartholomaeus and the previous Minister for Labour Relations have made similar statements on numerous occasions. Who will believe that? Who will believe that WorkSafe is an efficient government department delivering the goods, if people know that its staff do not follow instructions or listen to directions from the chief executive officer? It is a nonsense. The Premier said there is no problem because, although the policy was announced, officers knew it was wrong and did their own thing. The Premier cannot have it both ways, when he is trying to get off the hook. He knows that WorkSafe is not operating well and he is trying to paper over the issues. The substantive issues must be addressed in the problems that flowed from the announcement made by Mr Bartholomaeus. It is not acceptable to rewrite history and simply say the policy was not implemented and, therefore, there was no problem. Even if it had not been implemented, there would be a major problem with the management in WorkSafe if directives were given and departmental officers did not follow them. However, there is plenty of evidence that the policy was implemented, not necessarily fully or effectively but enough to reflect the problems in WorkSafe and indicate that it is not working well. Of course the policy was implemented. Therefore, the Government cannot say everything is all right because the policy was not followed.

Why has the Premier embarked on this? The policy was publicly supported by the Government. The report from the Commissioner for Public Sector Standards clearly indicated that the policy was being implemented. Mr Saunders reported that the policy was in place. The Government was totally complicit in that policy implemented by Mr Bartholomaeus. Why the fabrication? Why put in place a total fiction about what happened? It is because this Government could no longer sweep the issue under the carpet. The Premier realised, or was advised, that he must do something because the facts were overwhelming. That created a problem for the Government because the Premier and the previous Minister for Labour Relations supported the policy. Therefore, if the policy was wrong, the buck would stop with the Premier. He had to try to shift the heat, and he came up with the cock and bull story that the policy was never implemented.

It is a load of rubbish but the Government became involved in this whole web of deceit in an attempt to shift the heat from the Premier and the member for Riverton. The Premier has become involved in a story which is totally contrary to the reality. I draw the attention of members to some of the correspondence in my possession. On 12 October - a very important date in the development of this whole fiasco - the Premier wrote to Mr Bartholomaeus, the WorkSafe WA Commissioner, as follows -

> Commissioner for Public Sector Standards' Report - Complaint: WorkSafe WA
>
> I recently requested further advice from the Crown Solicitor's Office, after receiving additional information supplied by the Commissioner for Public Sector Standards and other sources, to ascertain whether there is sufficient evidence to support a suspicion that you have committed a breach of discipline, for the purpose of section 81(1) of the Public Sector Management Act 1994 ("the PSM Act").
>
> Crown Counsel reconsidered all the material in relation to this matter, including the considerable amount of

> documentation supplied by the Commissioner for Public Sector Standards, yourself and others. In particular, Crown Counsel examined all the allegations that have been made concerning the implementation of the "policy" enunciated by you on 26 June 1997.
>
> In concluding his advice in relation to this matter, Crown Counsel indicated that no information has been provided that reveals any adverse impact upon any employee as a direct consequence of your actions. In fact, Crown Counsel's analysis reveals that the initial statement of policy you made in the media release dated 26 June 1997 did not reflect the practical operation within your department. It would appear that the statements you have made to the Commissioner for Public Sector Standards and to me regarding the operation and effect of the policy are at odds with the statement in the media release.
>
> As a result, Crown Counsel's advice has confirmed that although your actions probably constituted a breach of the Code of Conduct of WorkSafe Western Australia and the Code of Ethics of the Public Sector, given that the "statement of policy" was never implemented nor actioned there would appear to be little justification for undertaking a protracted discipline process.
>
> Despite this, I am concerned that although you have had considerable opportunity to publicly correct the position in relation to the application and operation of the "policy" within your department, you have not done so. It is extremely disappointing that a number of organisations have spent valuable resources and effort in seeking to resolve matters which you could have addressed well in advance of this time.
>
> Further, it would appear to be the case that it was in fact the dedication, commitment and maturity of the public service officers within your department, that ensured that no harm or disadvantage was caused to any employee as a consequence of the public statements made by you.
>
> As a consequence I would now request you apologise to those relevant parties who have been affected by this matter as a priority. I expect to be provided with copies of your advice to these parties immediately. . . .
>
> Richard Court MLA
> Premier and Minister for Public Sector Management.

I emphasise one part of the letter. Mr Bartholomaeus was asked to account for one matter only; that is, that the statement of policy he had made was never implemented or actioned and that there appeared to be little justification for undertaking a protracted disciplinary process because of this. Despite this, the Premier wrote that he was concerned that although Mr Bartholomaeus had had considerable opportunity to publicly correct the position in relation to the application and operation of the policy in his department, he had not done so.

The Premier's letter of 12 October indicated that the whole matter revolved around that issue. He wanted to shift the heat from the whole range of matters in the fiasco surrounding Mr Bartholomaeus and his edict and to emphasise only one matter; that is, Mr Bartholomaeus announced a policy and did not pursue it. That would be the breach for which he had to account. That is only one issue. Did the Premier hand this letter to Mr Bartholomaeus at the meeting on 12 October or was it given to him before the meeting?

Mr Court: It is your story. You are the one quoting dates so you finish the story.

Mr KOBELKE: The Premier is still running for cover. The Premier met Mr Bartholomaeus on 12 October but will not say whether the letter was handed to him at, or prior to, that meeting. The Premier or one of his officers at that meeting handed Mr Bartholomaeus a draft apology which Mr Bartholomaeus was asked to sign and send to the WorkSafe commissioners, Don Saunders, the Trades and Labor Council, the new Minister for Labour Relations, and the Premier. Did the Premier or one of his officers hand that draft apology to Mr Bartholomaeus at the meeting?

Mr Court: It is your story.

Mr KOBELKE: I will take it from the Premier's response that he handed the draft apology to Mr Bartholomaeus for his signature. I will read into the record the draft apology -

> Commissioner for Public Sector Standards' Report - Complaint: WorkSafe WA
>
> I refer to the above report into the complaint dated 10 July 1997 by Hon L Ravlich to the Commissioner for Public Sector Standards.
>
> I have now had an opportunity to reflect further on the matters canvassed in the report. In particular, I now acknowledge that the initial statement made by me in the media release dated 26 June 1997 did not accurately reflect the practical operation of the enforcement procedures of WorkSafe Western Australia in the period that followed that date. I regret that my statements to the Commissioner for Public Sector Standards and the Premier did not clarify this and that this failure to do so has resulted in a number of people expending a considerable amount of time and effort in so clarifying the matter.

> In the circumstances I now wish to state that my statement in the media release can properly be characterised as overreaction which I should have corrected at the earliest opportunity.

It was to be signed by Mr Bartholomaeus as the WorkSafe WA Commissioner. He did not sign it. He wrote to the Premier the next day, 13 October 1998. The first few sentences of Mr Bartholomaeus' letter state -

> Yesterday at my meeting with the Hon Premier I was provided with the attached draft apology and list of people and organisations to whom an apology was suggested be made by myself . . .
>
> I am not able to sign the draft letter of apology because it is factually incorrect on two counts. Firstly, my media statement of 26 June 1997 did accurately reflect the practical operation of WorkSafe Western Australia after the period 26 June 1997 . . . Secondly, I consistently advised both the Hon Premier and the Commissioner for Public Sector Standards of the changed procedures after 26 June 1997 . . .

The Premier was asking Mr Bartholomaeus to make a specific apology. Mr Bartholomaeus was not willing to make that apology because it contained false information. We now have the question whether it was true or false. There might be some technical arguments over certain aspects of what was in the statement - part might be true and part might be false - but what is on the public record clearly indicates that the statement that the Premier was asking Mr Bartholomaeus to sign was false, and disciplinary action was then taken against Mr Bartholomaeus because he refused to sign a false statement. That is very serious. The Premier asked a senior public servant to lie. That is what it is. There was the Premier with Mr Bartholomaeus in his office, handing him a piece of paper with a draft apology and saying, "You are to issue that apology or else." Mr Bartholomaeus said, "I can't; it's false. I stated the policy and it was implemented." He can argue about how fully and effectively that was, but there is no argument that it was implemented.

The Premier wants Mr Bartholomaeus to sign a statement that it was not implemented, that it was just an overreaction and that nothing ever happened. It did happen, and the Premier cannot ask a senior public servant to lie. Mr Bartholomaeus might not always tell the truth, but in that instance he was not willing to be involved in the Premier's deceit. He was not willing to sign and issue that apology, so the Premier sacked him. The letter that I have from the Premier is not dated, but, given that the matters in it relate to what the Premier said on 13 October, I assume it was dated or backdated to 13 October. I read this brief letter into the record. It is addressed to Mr Neil Bartholomaeus, Commissioner WorkSafe Western Australia, and it states -

> Further to my recent discussion with you regarding the matters which have been brought to my attention concerning a press release which you issued on 26 June 1997, I have now received your letter dated 13 October 1998. It is apparent from that letter that you are not prepared to comply with my request that you resolve the matters of concern to me.
>
> Accordingly, I have determined that it is appropriate for the disciplinary process to be implemented.
>
> Pursuant to Section 81(1) of the *Public Sector Management Act 1994*, I advise that I suspect, as a consequence of information available to me from the Commissioner for Public Sector Standards, that on 26 June 1997, by issuing a press release which contained the words "We will have nothing to do with union representatives for the next six months and review our policy after that, he said", when implementation of that policy in those terms was not intended, you breached the Public Sector Code of Ethics and the Code of Conduct applicable to WorkSafe Western Australia. I hereby provide you with 7 days to provide me with an explanation of your conduct.
>
> Richard Court MLA
> Premier and Minister for Public Sector Management

So the axe fell because Mr Bartholomaeus would not tell the lie which the Premier required him to tell. That is what it came down to when the Premier put in place that tangled web of deceit - to try to shift the heat from the Government, which had supported the policy all along. Let me refer to the operative part of that letter -

> issuing a press release . . . when implementation of that policy in those terms was not intended . . .

That is the Premier's letter. We all know that that is false. There is ample evidence on the public record that the Premier is saying something false. He cannot get out of it. Unionists say, "We'll give you stat decs if you need them." I do not need statutory declarations. I have sufficient information from Mr Saunders under freedom of information, the pile of documents from WorkSafe which indicate that officers were pursuing the policy, the email that went to every staff member of Mr Bartholomaeus to implement it, and the press article six months later stating that it had been lifted, but the Premier says that it was never implemented. He asked Mr Bartholomaeus to sign an apology and say that it had never been implemented. That amounts to asking Mr Bartholomaeus to lie. On some occasions he might have lied, but, for whatever reason, he was not willing to lie in that case.

The Premier, in trying to set up a false story - a total fabrication of what transpired - has been caught out in a web of lies. To paraphrase the old saying, what a tangled web the Court Government weaves when it sets out to deceive. That is exactly

what the Premier did. He made a statement on 13 October which was nonsensical. It simply did not match reality. It now becomes evident from the documents that it was a contrivance to try to shift and narrow the issue, so the range of matters relating to Mr Bartholomaeus and WorkSafe was narrowed down to that fictitious account of Mr Bartholomaeus not following through. Because he would not give that apology, the Premier moved him aside and now he has bought him off to try to keep him quiet and simply move the issue sideways.

The issue stops with the Premier. Sooner or later he must realise that, as Premier, he cannot hide behind his smart advisers. He cannot continue to shirk his responsibilities as Premier and Minister for Public Sector Management. The standards in this issue are abysmal, and they are the standards that the Premier is setting for his public sector. He must face up to the issue or his reputation will go further and further into the gutter. He cannot squib on this one. He has been caught out in a web of deceit and he must answer to the issues today. If there is any credibility on his side, he will address the issues and not waffle on as he usually does.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.37 pm]: Why did the Government of Western Australia choose to tackle only one set of issues when it spoke to Mr Neil Bartholomaeus? The issue that everyone in the community wanted addressed was whether it was appropriate that he issued a policy statement on 26 June 1997 which discriminated against trade unions and at the same time potentially jeopardised workplace safety in Western Australia. The Commissioner for Public Sector Standards has said that the public statement by Mr Neil Bartholomaeus was unlawful and also potentially jeopardised workplace safety in Western Australia. That is why we raised the matter in Parliament and in the community in such a strong way. That is the important issue. It is not whether that policy may have been implemented in full force within the department, but whether the policy that was issued was lawful.

There are two reasons that the Government cannot confront that matter and will not allow itself to confront that matter. The first is that Mr Neil Bartholomaeus was carrying out the Government's prejudices by issuing that policy. The Government was happy for him to do that, and that is why he has been so surprised at its response and why, in his letters to the Commissioner for Public Sector Standards and to the Premier, he pointed out that he thought that he was doing only what the Government thought should be done in respect of its relationship with the trade union movement.

The second and most important reason that the Government will not confront the real issue in this affair is that it goes to the heart of the ministerial responsibility of the Minister for Planning - the then Minister for Labour Relations, the member for Riverton - because the member for Riverton publicly endorsed and backed this policy which was unlawful. Therefore, if that policy is shown to be unlawful, he must accept his responsibilities as a minister and resign. If he will not resign, he should be asked to resign by the Premier and the Government of this State. They are the two reasons that this Government will not confront the report of Mr Don Saunders, because that report goes to the heart of this Government; that is, that there is one law for a member of a trade union and another law for an ordinary citizen of this State. Mr Don Saunders said that we cannot have two laws - we can have only one law and it applies to everyone equally, and Mr Neil Bartholomaeus broke his contract as a public servant by having double standards.

The second reason for this Government not confronting the matter is that if this matter is debated properly, as the member for Nollamara said - that is, the issue of the lawfulness of the direction given by Neil Bartholomaeus - there is no alternative but for the Minister for Planning to resign his commission, because he sanctioned, backed up, endorsed and publicly promoted unlawful action by the chief executive officer of the department for which he was a minister. This is a very serious matter that goes to the heart of standards of government, it goes to the heart of the question of ministerial responsibility and it goes to the heart of the rule of law in this State on the standards it applies to trade unions as opposed to the standards it applies to others. I support the motion moved by the member for Nollamara. It is a serious and important motion that demands a proper response from the Government.

MR COURT (Nedlands - Premier) [3.42 pm]: The members opposite remind me of people who go to funerals to ensure the person is really dead. We have gone through an extensive process in this matter and, at each step of that process, sought legal advice. At the conclusion of all the advice that has been presented to the Government, including the report by the Commissioner for Public Sector Standards and the independent advice I sought after we had started the disciplinary process, no-one has said that there is any disciplinary action that could be taken that would lead to a dismissal. At best, on that information, there could be a reprimand. Mr Bartholomaeus was transferred from the position of commissioner at the request of the minister, and the member for Nollamara came into this House today and said he was sacked.

Mr Kobelke: From that post.

Mr COURT: No; the member for Nollamara said to this House that I sacked him.

Mr Kobelke: Sacked from the post.

Mr COURT: I interpret "sacked" as meaning he was sacked. That was not the case at all because Mr Bartholomaeus has accepted a management-initiated retirement package which was negotiated with him and that was the path that he wanted to go down.

Mr Kobelke: Are you tabling the details of that?

Mr COURT: No, I will not, because that has not been government practice. However, when we came into government there was one practice that we did change; that is, we did not put an open-ended payout on it. We limited management-initiated retirement packages to not more than one year's salary. That is the guideline. As I said in my statement today -

Mr Brown: It is in the Public Sector Management Act.

Mr COURT: That is right. The Government changed it, remember?

Mr Brown: You introduced the Public Sector Management Act, which downgraded accountability in the public sector. It has been a dud.

Mr COURT: We changed it because the previous Labor Government made outrageous payments of many times a person's annual salary. I am sorry - what was the member's interjection?

Mr Brown: It has been a dud.

Mr COURT: When we came into government, people were walking away with huge payouts because they said things like, "My contract has three years to go, so I should be paid the balance of the three years." We introduced a limit on what could be paid out. The maximum payment is a year's salary plus long service leave entitlements. The member for Nollamara today has not provided anything that changes the situation. On all the advice given, it was not going to result in a person being dismissed from his or her job. In all of the advice that has been looked at by all of the different parties, we have been told that at best someone could be reprimanded.

Mr Kobelke: Who gave you that advice?

Mr COURT: I told the member in the Parliament from whom we had sought that advice.

Mr Kobelke: Therefore, Martin simply said that the reprimand would be the most that you would get?

Mr COURT: No, he did not say that would be the most. He said at best - or at worst, whichever way it is looked at - that is all that would happen. I do not know how many times the member for Nollamara wants to regurgitate this matter. He seems to have been pretty keen to get Mr Bartholomaeus' scalp.

Mr Ripper: We will keep debating it until you behave properly with regard to your minister. That is your problem.

Mr COURT: No, the Government does not have a problem at all on this matter. I will not regurgitate all the processes that we have gone through because we have followed the proper disciplinary processes that have been set out.

Mr Kobelke: Fifteen months after the event.

Mr COURT: Yes. However, we have not received any advice that would warrant our taking that disciplinary action. I announced today that Mr Bartholomaeus has retired from the Public Service, not been sacked.

Mr Kobelke: Will you table the report from Mr Martin?

Mr COURT: No. The member for Nollamara knows that Governments have not tabled legal advice.

Several members interjected.

The DEPUTY SPEAKER: Could we have a little bit of order, members!

Mr COURT: In relation to an apology, Mr Bartholomaeus did not want to make an apology. He felt that his position was such that he would not make an apology.

Mr Kobelke: Because the apology you asked him for was not effectual, in his opinion.

Mr COURT: No. If that apology was not forthcoming, the Government had no option but to commence the disciplinary proceedings. That is exactly what we did. We took crown counsel's advice on these matters and have accepted all of that advice. No-one told us that we should pursue this matter further.

Mr Kobelke: Because you limited the advice to the legal people you asked for information.

Mr COURT: Mr Speaker, there has been so much information. Mr Bartholomaeus has made public all of his information and the Government has made public all the information that is needed. As a result of all of that, I cannot understand why the member for Nollamara wants to continue to pursue this issue.

Mr Kobelke: We are pursuing you, Premier. The motion is against you, Premier, for lack of standards.

Mr COURT: My friend, the member for Nollamara, is wasting his time.

MRS EDWARDES (Kingsley - Minister for Labour Relations) [3.49 pm]: The motion moved by the member for Nollamara and supported by members opposite is totally unsubstantiated, particularly the attempt to censure the Premier on the basis of sweeping the facts under the carpet and requesting Mr Neil Bartholomaeus to lie on the apology matter. To suggest that there has been fabrication and dishonesty and seeking to deny the truth is absolute nonsense.

Dr Gallop: Who drafted that apology?

Mrs EDWARDES: I do not know. The Premier followed the proper processes to support natural justice. The Premier followed the proper processes at every step of the way and sought from crown counsel the appropriate, independent legal advice about Mr Saunders' report, which was referred to Mr Wayne Martin QC. At the end of the day, all that the Premier has done is follow the proper processes. No delay has occurred other than that which was necessary to ensure natural justice at every step of the way. Every bit of information that Mr Saunders had and every bit of information that was provided to crown counsel by members opposite and the Trades and Labor Council was used to ensure a proper report and assessment was provided to the Premier upon which to base a decision about whether disciplinary proceedings should commence under the Public Sector Management Act. Members opposite have said that the Premier did not follow the proper process because all the information was not forwarded. What other information do they want?

The member for Nollamara referred to the example of Dave Simpson. Every example that was provided by members opposite was referred to crown counsel. Dave Simpson, an officer of the Construction, Forestry, Mining and Energy Union, telephoned WorkSafe about allegations of unsafe work practices at the Murdoch annexe. Inspector Peter Green, in a telephone conversation at 2.20 pm, advised Mr Simpson that WorkSafe Western Australia would not respond to union complaints. However, if an employee or safety and health representative made a similar complaint an inspector would attend. Despite echoing the words which had appeared in *The West Australian* earlier that day, inspector Green contacted the safety and health representative and the site supervisor, explained the policies - probably in the terms which I have just outlined - and received an assurance that no problems existed that could not be handled at the site level. He arranged for another inspector to attend the site when he was next in the area. Although inspector Green did not attend the scene and although he advised Mr Simpson that he would not respond to the complaint, it is apparent that he contacted both the safety and health representative and the site supervisor to satisfy himself that there were no problems which could not be handled at the time of the regular inspection. The advice the Premier received was that Mr Green seemed to pay no more than lip-service to the policy. The implementation of the policy was not as stringent as its direction. I could go on about a number of other examples which members opposite have raised previously.

The motion moved by the member for Nollamara is totally without substantiation. The Premier has not been hiding the truth under the carpet. He referred to crown counsel for assessment all the information that was within Mr Saunders' possession, and that which was put forward by the TLC and members opposite, and has gone to extraordinary lengths to ensure that natural justice was accorded to Mr Neil Bartholomaeus. The Opposition must be extremely short on issues.

MR KOBELKE (Nollamara) [3.54 pm]: The Minister for Labour Relations said - if I understood her correctly - that the report from Mr Dave Simpson was referred to crown counsel. Is that true?

Mrs Edwardes: The example and all the documents about that matter that were contained -

Mr KOBELKE: Was the example mentioned by the minister referred to crown counsel or to Mr Martin?

Mrs Edwardes: Crown counsel replied to it.

Mr KOBELKE: The Premier could take only four or five minutes because he did not want to say anything. Every time he says something he tends to say things that are false or misleading. He gets caught out. His whole strategy is: Do not answer the question; waffle on a bit and sit down. That is what we saw from the Premier. The Premier has totally failed to address the issues contained in my motion. There has been an ongoing attitude of trying to hide the information, of selectively using legal advice and of not giving all the information to the people who were asked for a legal opinion. I will provide some examples. It has been discovered, from the documents that were available under freedom of information, that crown counsel, Mr Cocks, gave advice that there were not enough matters to take the issue forward. That advice then went to Mr Saunders, who formed a different opinion because he actually investigated the matter. Mr Cocks acted on the various materials given to him. When I asked the Premier whether he would sack Mr Cocks because he gets it wrong so often, the Premier told me that Mr Cocks did not have all the information before him. Mr Cocks' opinion was based on incomplete information, which has happened time and again in this case. How much information was given to Mr Martin? I suspect that he received only that which had been massaged and laundered to obtain a particular opinion.

We also had the saga with Mr Saunders, the Commissioner for Public Sector Standards. He asked the Premier several times to respond to his initial request for a report. For over 12 months the Premier delayed, using the excuse that he needed legal advice. They are the facts. The Premier has not addressed this issue. He selectively used his legal advice which, in some instances, was based on incomplete information. The Premier then said that Wayne Martin QC gave him an opinion. He would not even tell this Chamber what were the terms of reference. We now know from the documents to which I have referred today that they were exceedingly narrow and did not refer to the major issues on which this matter is based. The

Premier was simply asking him to look at this fiction about Mr Bartholomaeus' not implementing the report. The Commissioner for Public Sector Standards found that there was a clear breach in policy in the WorkSafe code of ethics, the Public Sector Management Act and the code of ethics for the public sector. The Government has failed to face up to that. The Government's response at the end of the day has been to ask Mr Neil Bartholomaeus to say that the whole thing just did not happen; to say that he was simply overreacting and threatening. The tables were then turned on Mr Bartholomaeus and he was given the option: Give the false apology or you are out of here; that is, he was sacked from that job. We now find that, by way of enticement, the result has been that he was sacked from the Public Service because he refused to say that something happened that did not. The Premier was asking Mr Bartholomaeus to perpetuate the lie that he is trying to put in place.

Mr Court: Are you now saying that he was sacked from the Public Service?

Mr KOBELKE: The Premier has given him a buy-out which has the same result as if he had sacked Mr Bartholomaeus. The Premier's strategy failed and his fabrication of deceit did not stand up. The Premier was left with the option of buying him out, and that is what he has done. He has done that because he knows that if the case were heard on its merits, the disciplinary action in relation to Mr Bartholomaeus would flow directly to the member for Riverton, who was the minister at that time. That is why the Premier was not prepared to take proper disciplinary action against Mr Bartholomaeus. The Premier tried to hide the issue for 15 months. It may not be raised time and again in this Parliament, but it will not go away. The Premier indicated by interjection that he will not table the report from Mr Wayne Martin QC. Clearly it contains other information the Premier is trying to hide. The story will go on. One thing the Premier can be sure of is that his deceit in this issue will stay alive. The only thing that will kill it is the truth. His deceit will hang around his neck like a millstone.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough	Mr Ripper	

Noes (26)

Mr Ainsworth	Mr Cowan	Mr MacLean	Mr Prince
Mr Baker	Mr Day	Mr Masters	Mr Shave
Mr Barron-Sullivan	Mrs Edwardes	Mr Nicholls	Mr Sweetman
Mr Board	Mrs Hodson-Thomas	Mr Omodei	Mr Trenorden
Mr Bradshaw	Mr House	Mrs Parker	Mr Wiese
Dr Constable	Mr Johnson	Mr Pendal	Mr Osborne *(Teller)*
Mr Court	Mr Kierath		

Question thus negatived.

SESSIONAL ORDERS - TIME MANAGEMENT

MR COWAN (Merredin - Deputy Premier) [4.05 pm]: In accordance with the sessional order for time management, I move -

> That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 12 November -
>
> (1) Pearling Amendment Bill - all remaining stages;
>
> (2) Local Government Amendment Bill (No 2) - all remaining stages;
>
> (3) Titles Validation Amendment Bill - all remaining stages;
>
> (4) Bail Amendment Bill - all remaining stages;
>
> (5) Mutual Recognition (Western Australia) Amendment Bill - all remaining stages;
>
> (6) Revenue Laws Amendment (Assessment) Bill (No 2) - all remaining stages; and
>
> (7) Acts Amendment (Video and Audio Links) Bill - all remaining stages.

This motion covers seven Bills, which is a significant number. I understand that the majority are non-contentious. If the House were to apply itself it would clean up those Bills and we would be able to allocate a reasonable amount of time to the others. The Leader of the House has indicated in correspondence to the leader of opposition business that it is the Government's intention merely to progress down the Notice Paper. Unless someone advises me to the contrary today, that is precisely what we will do. We will begin debate with Order of the Day No 1 once this motion is passed.

MR BROWN (Bassendean) [4.08 pm]: It is disappointing that the Government has continued to move this pro forma resolution in the Parliament every week insisting that so many Bills be passed. There was a time last year when this type of motion was not moved, and the Parliament functioned effectively - Bills were passed. If the Government felt that the Opposition was being tardy in respect of some matter, it made its views known. However, the House seemed to work well. I am not sure why it is necessary to have this debate every week. As I understand it and from what has been said - I am not familiar with all the Bills in the motion - some of these Bills are non-contentious. One wonders why it is necessary to include them in this guillotine motion. Members can never get to the point of passively accepting that this is an appropriate way in which to conduct the business of the House.

Mr Cowan: I understand they do it at the commonwealth level.

Mr BROWN: They do many things at the commonwealth level, some of which are very good and some of which can be improved, as the Deputy Premier has often pointed out.

Mr Cowan: We are in complete accord, probably for the first and last time.

Mr BROWN: The Deputy Premier is probably correct. The fact that someone does it somewhere might mean it works there for all sorts of interesting reasons. However, it does not mean it will work, nor that it should be tolerated, elsewhere. The Deputy Premier has not indicated to the House any reason for moving this motion other than its being a matter of form. The Deputy Premier did not indicate that the House was likely to be bogged down with any complex issues regarding the Pearling Amendment Bill or the Local Government Amendment Bill or that there has been sufficient debate on them except that they should be subject to the guillotine. The House rose early on the last day of the last sitting week because the Government was unprepared for that debate and could not answer questions put to it legitimately by the Opposition. If the time of the House has not been used effectively, it is not because the Opposition has not been prepared, but because of the Government and its ministers being unprepared and unable to answer difficult, but nonetheless legitimate, questions.

The Governments may like Oppositions to look quickly at a Bill and give it a tick without scrutinising it. However, legislation such as the Titles Validation Amendment Bill -

Mr Cowan: Do you know who holds the record?

Mr BROWN: For what?

Mr Cowan: The previous Labor Government put 10 Bills through the Parliament on the last day of sittings.

Mr BROWN: I am aware that is often done. I was not here during those times, but I am told that, with the exception of a couple of times to which people constantly point, it was not the form of the former Labor Government to move guillotine motions at the beginning of the week.

Mr Cowan: If my memory serves me correctly, three guillotine motions were moved in the previous 15 years.

Mr BROWN: That speaks for itself.

Mr Cowan: It became a management tool of the Parliament from the 1980s onwards.

Mr BROWN: I will seek advice on that; I will not check the records for every week. My advice is that was not the case, but I will stand corrected if my advice is incorrect. I am led to believe, rightly or wrongly, that although on occasions the guillotine motion was applied, it was not commonplace and it was not, as it is now, used every week as a matter of form.

Question put and a division taken with the following result -

Ayes (24)

Mr Ainsworth	Mr Cowan	Mr Kierath	Mr Prince
Mr Baker	Mr Day	Mr MacLean	Mr Shave
Mr Barron-Sullivan	Mrs Edwardes	Mr Masters	Mr Sweetman
Mr Board	Mrs Hodson-Thomas	Mr Nicholls	Mr Trenorden
Mr Bradshaw	Mr House	Mr Omodei	Mr Wiese
Mr Court	Mr Johnson	Mrs Parker	Mr Osborne *(Teller)*

Noes (21)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Thomas
Dr Constable	Ms MacTiernan	Mr Pendal	Ms Warnock
Dr Edwards	Mr Marlborough	Mr Riebeling	Mr Cunningham *(Teller)*
Dr Gallop			

Question thus passed.

PEARLING AMENDMENT BILL

Second Reading

Resumed from 22 October.

MR GRILL (Eyre) [4.16 pm] Although this Bill is a very short and succinct piece of legislation, it is not as short as the minister's second reading speech. That is almost a record; it is one page of very loosely typed words. If we are talking about records, as somebody was a while ago, the Minister for Fisheries holds the record for making the shortest second reading speech. I am not criticising that; I am making a point.

Mr House: It is of great quality.

Mr GRILL: Yes. As I indicated, the Bill covers a fairly simple matter; that is, the granting to pearl farmers the option of paying their fishing fees by instalments. Under the Fish Resources Management Act operators in all other fisheries have the option of paying their fees by instalments. The big six fisheries commenced paying their annual fees by instalments on 1 October 1995. That was brought about by, I think, section 258Z(d) of the Fish Resources Management Act, which provides regulating powers under which fisheries can pay fees by instalments.

Our pearl fishery based in Broome is not governed by the Fish Resources Management Act; it is governed by the Pearling Act. It is not a very old piece of legislation. However, I understand from the Fisheries officer who briefed me on this matter - I thank the minister for making officers available - that this Act will probably be repealed in the near future. In the meantime we must amend the Act to allow the members of the pearling industry to pay their fees by instalments.

The pearling industry is an interesting industry. Prior to my being Minister for Fisheries from 1986 to 1989, for a while it was thought the pearling industry would be phased out. It had been subject to what people thought was a mystery virus. The animals were dying in their shells. People could not understand the reason for it and they could not pinpoint the virus that was killing them. I read in the *Sunday Times* and other newspapers that a mystery virus was circulating in north west waters and killing off the animals. After research, within Fisheries WA and the industry itself, it was ascertained that it was not a mystery virus - it might have been partly due to a virus - and that the problem was the hygiene and the stressing of the animals. With new methods of handling the animals, of keeping the shell clean and of keeping the environment in which they lived clean, the industry began to thrive. It was worth about $30m when I was the minister. Yesterday, Fisheries officers informed me that the industry was worth $181m last year. Over the past few years the industry has been worth $150m on average. I suppose the value of the industry fluctuates depending on the price of pearl overseas. The marketing of pearls is now the big challenge to the industry. There have been some big players in the industry.

Our pearl industry is based upon one oyster; that is, pinctada maxima. It produces the south sea pearl. It is a lovely, lustrous pearl and appears to grow better in the waters around Broome than anywhere else. The Japanese farmed oyster is a smaller oyster and attempts are being made in Western Australia to farm other forms of oysters. The pinctada margaritifiera, or the black lipped oyster as it is commonly called, comes from Tahiti and produces black pearls. The pinctada albina is a Shark Bay species of pearl. The pteria penguine is a pearl, shell or animal that comes from the Gascoyne and Pilbara coast. The pinctada fucata is another species of pearl. All of those species are potential commercial oysters. They are not commercial yet; they are in the experimental stage. All of the four oysters to which I have just referred do not come within the ambit of the Pearling Act; they come within the ambit of the Fish Resources Management Act. That is one of the reasons we will need a new fisheries Act in the near future. More than one fee is payable under the Fish Resources Management Act; an annual access fee, and an annual licensing fee. They can be said to be application fees which cover the administration costs of transactions such as the transfer of licences, the granting of new licences, the renewal of licences and variations of licences. The annual access fee is the fee payable on the granting of the annual licence which is normally payable on the size of the licence that a licence owner holds. In the case of a pearling licence, the fee depends upon the per quota unit, which is simply the number of shells or animals that a licence owner holds at any time.

The Pearling Act was reviewed by Kevin Edwards in 1997 pursuant to a review clause in the 1990 legislation. He was a well-known lawyer in Perth and one of the recommendations in his report was that a new Bill should be drafted. A new Bill must be introduced for a number of reasons: The legislation in Western Australia relating to these industries and a number of the agricultural industries must conform with National Competition Council guidelines, including, apparently, the pearling industry and the issue of the licences pursuant to that industry. The minister has the power to issue licences. When I was the minister, I issued some new licences. I think the minister may have issued three or four new licences.

Mr House: Yes, but that process had been started before we came to government. The process of allocations had begun. We did not initiate it; we simply followed it through. They were issued jointly by the Commonwealth Government of the day and me as the appropriate minister in Western Australia.

Mr GRILL: Apparently those licence-issuing processes are now subject to national competition code guidelines. That is one of the reasons that a new Act must be introduced. Another reason is that oyster hatcheries are becoming a feature of the industry. A new Act must take into account oysters that are grown in hatcheries more thoroughly than does the current

Act. The wild stock is still the mainstay of the industry and will be for some time as I understand it. However, people are becoming more efficient at growing oysters in hatcheries and they are becoming a big part of the industry. I am told there are now 16 licence holders, 572 000 oyster animals in the wild stock under licence, 350 000 hatchery oysters, and six to seven hatcheries operating at the current time. I presume they require licences which are granted by the minister under the Act. Another reason that a new Act will be needed is that Fisheries WA and the minister do not have the ability to put in place management plans under the current Act. Management plans have been a feature of the fisheries industry for some time and they are specifically provided for under the Fish Resources Management Act. However, they are not provided for under the Pearling Act. That is one of the reasons that Kevin Edwards recommended the introduction of a new Act. I am also told that within five to eight years, the Pearling Act could be folded into the Fish Resources Management Act and only one Act will cover the whole industry. However, that is something for the future and not for this minister to consider.

Members on this side of the House support this amendment. We support the pearling industry and its continued growth. We are prepared to support whatever the Government can do to foster this industry.

MR HOUSE (Stirling - Minister for Fisheries) [4.28 pm]: I thank the Opposition spokesman and the member for Eyre for their support of the legislation. As the member for Eyre has rightly pointed out, this Bill is a simple piece of legislation which has been introduced into the Parliament with the concurrence of the industry because it facilitates payment of the fees that are required to manage the fishery under the cost recovery regime, all of which has been agreed to. It allows staggered payments to be made instead of one annual payment, which is an acceptable way to proceed. As the member also said, I would rather have introduced a more complex piece of legislation that would have addressed a number of issues in the pearling industry. Unfortunately, that legislation is not at a stage whereby it can be introduced into the Parliament. It will require more consultation with the industry and more agreement about some of the principal issues. However, I hope to do that within the next 12 months. The member for Eyre is also correct in saying that at some stage in the future it may be possible to amalgamate the Fish Resources Management Act and the Pearling Act. That is a little down the track. The pearling industry is one of the success stories of Western Australian primary industry. Ten years ago it just about folded up, but because of the good management of the department, officers working in conjunction with some very enterprising people such as Nick Paspaley, the Kailises and others managed to get the industry on its feet. It has not only turned the corner, but is now advancing at a rapid rate. In addition, the introduction of spat production - the hatchery production of oyster shell - will change enormously the way the industry operates in the future. The industry will not rely on the wild shell catch. Much debate must take place about quotas and how the resource of the farmed areas will be allocated. Of course, all that will be subject to the national competition policy guidelines at some stage.

The pearling industry is one of the best industries to work with. It has the ability to sort out its own problems. People in that industry do not make large demands on the Government. They get on with matters themselves and they are very cooperative in their approach to how issues need to be advanced, particularly the difficult issues that confront any industry. They deal with matters in a positive way, and it is a pleasure to work with people in that industry on any issues. I thank the Opposition for its support of the legislation. It will indeed make the working of the pearling industry a little easier.

Question put and passed.

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

LOCAL GOVERNMENT AMENDMENT BILL (No 2)

Second Reading

Resumed from 22 October.

MR McGOWAN (Rockingham) [4.32 pm]: I make it plain at the outset that I am not the Opposition's lead speaker on this matter; that position will be taken by the member for Pilbara, who wishes to raise particular concerns. This Bill is broadly supported by the Opposition. It deals with four principal matters relating to elections for local government councils, the constitutions of local governments, accountability and various other miscellaneous matters. The Opposition proposes to move a number of amendments in committee. I am aware that the member for Pilbara will move a number of amendments relating to matters of concern in his electorate, and specifically cyclones. I shall also move some amendments. I assure the minister that the Opposition will not take too much time dealing with this Bill but it will treat it with the seriousness it warrants as a result of some of the issues that need to be addressed.

The Bill contains some non-contentious amendments that tidy up matters relating to the Local Government Act. One relates to the requirement for local government councils to formally advertise on two separate occasions any proposed changes to local boundary areas. In future the requirement will be for one advertisement to be placed. The Bill contains provisions to allow certain animals to be impounded, and that will enable certain local authorities to put in place by-laws that will allow them to impound cats. The Bill also will provide regulations relating to telephone conferencing. I have always thought that would be a good idea, particularly in some of the remote parts in the north of the State where councillors must travel enormous distances to attend council meetings. The Bill provides that meetings can be conducted subject to certain

regulations, so video and telephone conferencing will be available. I hope some councils will not use this as an opportunity to spend exorbitant sums of money on video conferencing equipment. My experience is that video conferencing is a great toy for some people but its usefulness can be queried. Telephone conferencing is probably a much more cost effective mechanism for local authorities, and I am sure ratepayers would appreciate their not spending too much on this type of equipment.

Clause 53 of the Bill will allow certain proposals made to the local government advisory board to be struck out by the minister if they are vexatious or frivolous. That will avoid the need for the advisory board to go through the assessment process. That is a good thing, because I can think of one or two examples of local governments making claims on their neighbours with motives that could be described, kindly, as unnecessary or, unkindly, as predatory. In overall terms the Labor Party will support most of this Bill because it will clear up a number of anomalies in local government. It is the second major amending Bill since the Local Government Act was passed in 1995. I anticipate that such major legislation will be further amended in future years.

I now refer to some of the more contentious issues in this Bill and indicate the Opposition's point of view. The first relates to clause 19, which will increase the period for which commissioners may be installed in a local government authority from one year to two. The original Local Government Act allowed a maximum period of one year during which commissioners could be in place in an individual local authority. In the minister's second reading speech he indicated that certain findings were made, following commissioners operating in the City of Wanneroo and the City of Perth, that this was not long enough. The Wanneroo commissioners were put into the council a long time before the decision was made to dissolve the existing council. The commissioners were installed at the City of Wanneroo between five and six months before the decision was made, and the council was dissolved on 1 July this year. Therefore, the commissioners would have been operating in that local authority for 18 months had the existing provision applied. That period has been extended by the minister for a full year, so the commissioners will be in place in that local authority for two and a half years. The Opposition has a fundamental problem with the extension of the period for which commissioners may operate in a local authority from one year to two years. The problem is that increasingly in local communities, people are demanding more consultation and democracy. They want representatives they choose and there is increasing participation in voting at local government elections, largely as a result of the introduction of postal voting. That is a good facility and I congratulate the minister on introducing it. However, people are saying to us that they want to have a say about their community. I have found increasingly in politics that people are more concerned about what happens in their streets and suburbs than they are about what some call the big picture. Therefore, the Opposition believes that local government commissioners should be appointed for a maximum of one year, and that the decision by the Government to try to extend that period to two years is not an extension of democracy in local government but rather a retrograde step. When we are in committee, the Opposition will seek to delete that clause and retain at one year the period for which commissioners can be installed.

The second point of contention is clause 22, which seeks to amend section 4.33 of the principal Act. Clause 22 provides that people will be eligible to enrol to vote if they own a rateable property within a local government electorate. The current situation is that all ratepayers within a particular local government electorate are eligible to enrol, even if they are also enrolled elsewhere; so in effect some individuals may enrol eight or 10 times, or more, depending on the number of rateable properties that they own. People who are occupiers, but not owners, of property are eligible to enrol for only two ordinary elections and are required to make a new application to enrol every four years. This Bill proposes to extend that period by six months to make it four years and six months. However, in the case of the owners of property in a particular local government area, their entitlement to enrol will not just be extended by six months, but will be indefinite, until such time as they cease to own the property to which the enrolment relates. I would prefer that the current situation remain, whereby both owners and occupiers must re-enrol every four years.

I also have a difficulty with giving the right to vote to people who own property but do not live in the locality in which they own that property. I disagree with the concept that people should be able to vote in a number of different areas. People who live in an area and relate to that community should have the right to vote only in that area. That is very fair.

Mr Cowan: That is completely contrary to the Labor Party slogan: Vote early, vote often!

Mr McGOWAN: I am a very independent-minded person. The Deputy Premier should go to Queensland and see what his colleagues there did with regard to the electoral system. I have a fundamental difficulty with people voting once in the area in which they live and also voting a number of other times in other areas in which they own property. I am to a very small degree the owner of a property that is situated elsewhere from where I live, and I do not think I should have the right to vote in that area, because I have no idea of the local politics in that area. I do not think I should be put upon or influenced to vote by a person who is standing for local government in that area merely because I happen to have an interest in a property in that area.

Mr Johnson: You do not have to vote.

Mr McGOWAN: No. I have not looked at the Labor Party policy on this issue, but I believe that people should be allowed to vote only once.

Mr Osborne: They vote only once in each place in which they have an interest.

Mr McGOWAN: That is true, but I have a difficulty with people who own 100 properties being able to influence politics in 100 different areas. The member for Bunbury may have a different view. I have the view that all people should be treated with a degree of equality, irrespective of their income or assets.

Mr Osborne: We are talking about different local authorities.

Mr McGOWAN: I understand that, but I still believe people should be allowed to vote only once. The community about which they probably have a degree of knowledge is the one in which they live, and that is the one in which they should vote. They should not vote in a range of other communities. That is my view. I have a fundamental difficulty with the fact that this clause is distinguishing between tenants and property owners. The minister is making a mistake in allowing property owners to remain on the roll forever, or until such time as they dispose of their property, but requiring occupiers to re-enrol every four years and six months. It is not right and proper to make a fundamental distinction between those two groups of people.

Mr Johnson: There is far more movement among tenants than among the owners of property.

Mr McGOWAN: That is true to some degree. I am saying that both groups of people should be treated the same, as they were under the old Local Government Act, which we supported.

Mr Johnson: Do you think permanent residents should be treated the same as Australian citizens?

Mr McGOWAN: No.

Mr Johnson: I thought you believed in democracy!

Mr McGOWAN: If the member for Hillarys wants to have a debate on that issue, I will have a debate on that issue, but that is not part of this Bill; and I have assured the minister that I will not filibuster on this issue.

The DEPUTY SPEAKER: I remind the member for Hillarys that he should not be interjecting when he is not sitting in his seat.

Mr McGOWAN: He is sitting behind the minister, with a big knife! The minister should be very careful. Members should have seen the member for Hillarys yesterday in my electorate - holding sway with the masses, and impressing the Premier. The minister should be careful. He should put a mirror on his desk so that he can keep an eye on the member for Hillarys! The minister should worry even more about the bloke to his left - the member for Bunbury. Members should have seen him yesterday, trying to impress everyone with his erudition.

Mr Cunningham: Were you invited?

Mr McGOWAN: Yes. I was invited to the cabinet lunch. The member for Hillarys did not do as good a job in impressing everyone yesterday as did one of the members for South Metropolitan Region, who I thought certainly made a good plea for preselection.

Mr Omodei: Did you join in the toast to the Government?

Mr McGOWAN: I did toast the Government. I thought it was the protocol to do so, so I did so.

My third concern relates to clause 30, which amends section 5.50 of the Local Government Act. I will go over this matter in some depth. I will be moving an amendment. The section relates to gratuities principally for chief executive officers of councils. This State has 142 local government authorities, each of which has a chief executive officer and a range of people in charge. The councils' employees range from something like six, to 1 000 in councils like the former City of Wanneroo. Some of those people in charge of local government authorities are very well paid. In many local authorities chief executive officers are on far higher salaries than most of the members sitting in this place and are earning far more than people in business and public administration. Some of them are on much higher salaries than ministers. I think the chief executive officer of the City of Perth is in the league of being better paid than the Premier. I may be corrected on that but he is extremely well paid. The chief executive officer of the City of Wanneroo is similarly well paid. Chief executive officers of councils have also had historically a very good degree of job security. That may not apply so much now. Most have performed their jobs very well. A number of my close friends are chief executive officers of local government authorities. However, I have a difficulty with the payment of substantial gratuities to those people. My difficulty is that most have invested heavily in superannuation and will receive substantial payments from superannuation packages when they leave work. Local government authorities, which are primarily funded by ratepayers, should not be in the business of paying out additional substantial gratuities to such people. I do not have a problem with local government authorities giving a gold watch, a farewell party, a painting or a memento to long-serving staff. It is a very good thing. It can often cost a lot of money, even in the thousands of dollars, but I cannot stand people leaving with a hefty superannuation package and in addition receiving a vehicle, the payment of a year's salary, and trips overseas and the like from their local government

authority employers who are primarily funded by ratepayers. That is not on. We in this place should deal with the amount we receive when we leave office. Restrictions will be made to such payments. Therefore, I will move an amendment to this clause.

Mr Osborne: You might be interested to know that the Public Accounts and Expenditure Review Committee has discussed this matter and may take it up as a term of reference in a future investigation.

Mr McGOWAN: That is good. The member for Bunbury will have the opportunity of proving his mettle by voting for my amendments.

Mr Osborne: It will not be necessary.

Mr McGOWAN: Another of my concerns relates to clause 12, which deals with the disposal of sick or injured animals. My concern is that it may be too easy for a local authority to dispose of a sick or injured animal when it has not taken the necessary steps to notify the owner. The clause provides that the local government authority should take reasonable steps to notify the owner of a sick or injured animal which it has taken into custody. If it takes reasonable steps it can put the animal down. What is reasonable? It is very difficult to determine. We could probably put in some time limitation, so that a local government authority would not make one phone call and on the same day put the animal down. A period of days would be reasonable. Having the chance to object would save some owners sadness when their animal is destroyed. It is not a huge area of concern because the clause is fairly well drafted but the definition of "reasonable" is very subjective. It is difficult to know what steps a council would take. For different councils the word "reasonable" may mean different things. We may have to amend that clause.

In his second reading speech, the minister indicated that a further technical amendment will make it clear that where a poll is requested in relation to a proposed amalgamation of two or more local governments, the poll applies only to the local government which has received the request. I could not find the clause in the Bill.

Mr Omodei: It is clause 53(3).

Mr McGOWAN: I will look at that. I am concerned at how this will operate. If two authorities are proposed to be amalgamated and a poll is held in only one, the number of people in the other authority may be a lot more than half and would not have a say. I think, although I remain to be convinced otherwise during the committee stage, that it would be better to have the populace of both local government authorities voting on that issue.

My next concern relates to clauses 31 and 32, which relate to conflicts of interest. Clause 31 deals with the definitions of financial and proximity interests. Gifts must be disclosed under clause 32 but the only gifts that must be disclosed are those made since the last election. If someone has made a gift to a councillor who is required to vote on an issue before the council relating to the person who has made the gift, it would be irrelevant whether the gift was made before or after the last election. The relevant fact is that the gift has been made. The average number of years that someone remains a councillor is probably eight although that may be a long period in some councils. That gift should be disclosed now and in the future. It might be substantial.

Mr Omodei: That is what the legislation provides.

Mr McGOWAN: No, the reference to a notifiable gift relates only to the last election. We should check that during the committee stage.

My other concerns relate to the recommendations of the Davis Royal Commission into the City of Wanneroo. Some recommendations were made about voting records and individual councillors, but they are not covered by this legislation. The royal commission report also suggested that there be regulations requiring the recording of donations in some local government authority areas, and no provision has been made for that. Recommendations were also made about a gift register, which was agreed to by the committee examining the royal commission's recommendations, but no mention is made in this legislation of a gift or a donation register. I will take up those issues during committee. The Opposition supports most of the provisions of this Bill, but it will move some amendments in the areas I have mentioned.

MR GRAHAM (Pilbara) [5.03 pm]: I am the lead speaker for the Opposition in this debate.

It is fortuitous that you are in the Chair, Mr Acting Speaker (Mr Sweetman), as I am sure you are aware that cyclones are prevalent in the north west of Western Australia. This legislation contains new provisions dealing with appeals relating to cyclones. I will spend some time speaking through this Chamber directly to the minister and his department to explain what has been a lengthy and drawn-out process involving a simple fact; that is, that Governments at all levels have at their very core a fundamental duty: To protect the lives of their citizens. Cyclones are extremely dangerous natural events. They are by definition unpredictable, although the weather authorities have in recent years improved their performance in detailing possible causes and courses of cyclones. People who have not experienced a cyclone would find it very difficult to understand the force that they unleash on the northern half of Australia. They are prevalent between 1 November and 30 April, and unfortunately Port Hedland sits in the middle of the most cyclone-prone area in Western Australia, although

no north west town is safe from cyclones. During the late 1960s through to the mid 1970s we experienced some particularly difficult and dangerous cyclones. Those events led to a number of research institutes being established, including one at the James Cook University in Townsville. That organisation and others did some serious research on Cyclone Althea, which destroyed parts of Townsville; Cyclone Tracy, which we all know destroyed Darwin; and Cyclone Joan, which had a major effect on Port Hedland. Those who are interested enough to read the research will find that preparation for cyclones is a key factor in minimising their impact and damage. Preparation for a cyclone involves removing from its path any obstacle or debris that can be picked up and moved.

As I said, people who have not been through a cyclone or watched videos of such an event do not understand their force. Swimming pools are lifted out of the ground. We have had to develop a relief valve for use in swimming pools in the northern half of Australia so they do not blow away. It sounds farcical, but that is what happens. Houses explode because of the varying pressures around them. If not properly tied down, caravans, boats and rubbish bins all become missiles that then hit other buildings, vehicles and people, which in turn cause further debris and so on. Aerial photographs taken after Cyclone Tracy and the other cyclones I have mentioned allow researchers to trace damage back to the building that initially caused the problem. The damage fans out in a delta pattern from the building that fell apart or exploded. A 44-gallon drum might have hit a house, which exploded, which then sent debris flying, and so on in a domino fashion. The effect is clearly visible. All authorities that have studied cyclones have stated that the fundamental step in reducing their damage is preparation. I am not referring only to damage to property. Once buildings, houses and offices go, we are talking about possible loss of life. We have experienced that in the north west as a result of the past couple of cyclones. The effect of cyclones is all too evident around the world. Thousands have recently been killed or injured or are missing in Central America. We are lucky in Western Australia that the area most likely to experience cyclones is very lightly populated.

For many years, local authorities, in conjunction with the State Government and the State Emergency Service, have detailed the clean-up required to be undertaken by people and organisations in cyclone-prone areas. About five years ago, I wrote a series of letters to the Premier, ministers and councils about cyclone clean-ups. Additional money was committed - I thank the Government for that - for the State Emergency Service to run campaigns to encourage people to clean up towns. In the lead-up to the cyclone season, councils run advertisements stating that those involved should clean their residence or work area of unwanted materials and rubbish, trees of excess height and growth should be trimmed to withstand high winds and drains should be cleared of rubbish or obstructions. Reference is then made to the general preparation required when facing a cyclone.

A system of warnings and different alerts is implemented when a cyclone is approaching. The first level is a blue alert. SES documents advise those concerned to clear the area of all loose material and rubbish, to fit cyclone screens and so on. Caravans, boats, trailers and other equipment should also be tied down. The next level is a yellow alert, and the SES recommends that all loose material and objects around residences, commercial and industrial buildings and work areas should be securely fastened into position. The next level, the red alert, applies when a cyclone is imminent - it could hit in six to 12 hours. Every citizen is advised to make arrangements to be in his residence or shelter area. The SES makes it very clear that the red alert means that each citizen must ensure that his area of responsibility is clean and free of material that could affect other people in the event of a cyclone.

The same is true for businesses and local government authorities. That process has been in place for many years and has largely been complied with. Since Cyclone Joan in Port Hedland in 1975 it has come under increased scrutiny; that is, more people and organisations have accepted the need to clean-up in the interests of the general community. In addition, enhanced universal building codes have been implemented across the northern half of Australia. Those of us who have lived and worked in the north know to our great cost what those building codes mean when building a patio or garden shed - things that metropolitan people take for granted. In the metropolitan area plopping a garden shed on slabs is a simple task. In the north it requires the laying of a legitimately formed concrete slab rather than normal domestic slabs or tiles. The shed must be able to withstand winds and we are required to provide cyclone tie-downs to tie it down in the event of a cyclone. It involves a significant cost. Generally speaking, most householders in the north west have been remarkably responsible over the 25 years in which I have been in the north west of Western Australia. Five or six years before that, when I was living in Townsville, people were generally good at preparing their own backyards to withstand cyclones. About five years ago I went for a trip through the north west, as I do in the lead-up to the cyclone season, and the poor preparation of the north west for cyclones was noticeable. I was appalled at the state of my home town of Port Hedland; it was disgraceful. That was not the situation only at Port Hedland; it was universal. No serious cyclones had occurred for a number of years and I suspect the public and authorities had become a little blasé. A number of long-serving local government identities in the north west had moved on and been replaced by new people. In the bureaucracy the departmental heads who played these roles in the north west were significantly younger and had no or limited experience with cyclones in the north west. I was quite frightened by what I saw. I telephoned and wrote to a variety of organisations, from small businesses to local councils, State Governments, ministers, Premiers and the State Emergency Service. The State Emergency Service phoned back with a rather wonderful response saying, "Thank God somebody else has noticed. We are sick of bleating while nobody takes any notice." From the rest of the organisations I contacted, the bushy in me wants to say, "I got a load of waffle and other substances."

Mr Prince: Of limited value.

Mr GRAHAM: Yes; I heard platitudes and the mirror job, "Yes, we are looking into it; we think you are overreacting a bit." However, I received no indication of any action. I took some photographs that year of what I considered to be the problem in Port Hedland.

Mr Cowan: And you figured prominently!

Mr GRAHAM: Initially I did not.

Mr Cowan: I thought you would be the centrepiece if you were taking photographs of the problems in Port Hedland!

Mr GRAHAM: The Deputy Premier is a terribly cynical man.

Mr Prince: He is witty.

Mr GRAHAM: Did the minister say, "A twit"?

Mr Prince: I said "witty".

Mr GRAHAM: I misheard the Minister; I was going to call his comments unparliamentary!

I took a series of photographs and passed them around the local community, from many of whom I heard the same platitudes and waffle. The attitude had to be changed and my efforts did not make me popular. Nonetheless, as one sometimes does to make things happen, I released the photographs to the media in the north west and took members of the media on a drive around the 30-odd sites I had photographed, and surprisingly the then mayor, Dr Eggleston, agreed that a problem existed and called a meeting at which everyone expressed their shock and horror at the terrible photographs and went away. Again, nothing happened. I say that with great regret. This matter is not about political grandstanding. I am sure the minister will agree with me that although I have sought to publicise this issue, on no occasion throughout the five years have I sought to politicise it or make it a partisan issue.

Mr Omodei: I agree. The member has been most responsible in his approach to this matter.

Mr GRAHAM: I thank the Minister for Local Government. I then wrote to the Premier expressing my concern. I received a similar letter from him, but I will not go through the detail. He signalled that a by-law would be enacted for precyclone clean-up and the securing of loose items to prevent their becoming missiles in high winds, as had been adopted by the Shire of Roebourne. I disagreed with that because that regulatory power gave no right of entry to people's properties. If people did the right thing they would have no objection to the council having a look and saying that they had done the right thing. However, if they were determined to be disruptive and not allow entry, the council had no power to view their property. That was subsequently demonstrated to be the case with those regulations. In October 1995 the Government passed legislation amending the Local Government Act to give a local council specific power under schedule 3.1, division 1, part 10, to -

> Take specified measures for preventing or minimizing -
>
> (a) danger to the public; or
>
> (b) damage to property,
>
> which might result from cyclonic activity.

At the time, the Government believed that that highlighted the matter, and put in place a system for local governments to have the power to order someone to clean up.

It is probably a reasonable time for me to describe to the House what is the major problem in Port Hedland with which we are dealing. Some general cyclone clean-up problems around the town are obvious, but the major problem is the old houses from the towns of Goldsworthy and Shay Gap that a chap had bought - his business, I suppose - transported to Port Hedland and stored on land there. Initially, however, he had gear stored on land to which he did not have access and rights. We quickly and easily had it cleaned up. We persuaded the Port Hedland Port Authority to say that his property was on its land and that he should remove it. He had no argument. They were there illegally stored and were subsequently removed. It was a different matter on land which he leased to which he had legal access. It is difficult to explain to people who have not been to Shay Gap, but it was a town of fibreglass transportables. It was to be a space-age city. The houses are single-walled, fibreglass dwellings built around a steel frame with an inside wall of fibreglass and windows set in rubber.

Contrary to the water authority's latest claims in Port Hedland that it has invented vacuum toilets, Shay Gap had them in the early 1970s. It had a vacuum toilet system and one airconditioning system in the middle of the town. The town was built around these clusters of houses that are set in the hollows, tied down to secure concrete pads, with rolled steel joist steel frames through which cables ran and were bolted to the ground. They were, and are, perfectly secure in that situation. The

only problem is that in a cyclone, many 44-gallon drums fly about and fibreglass houses do not stand up well to that. The construction of those houses in the late 1960s and early 1970s met all the by-laws. I doubt whether those houses would be allowed to be built in a cyclone belt in the 1990s, even in the form in which they existed for 20-odd years in Shay Gap. Those houses were torn to pieces. They separate in half; the top half lifts off and the bottom half moves. They were put onto trucks and transported to Port Hedland and placed on the ground. Already being split in half and prepared to accept the wind, they were not transported to Port Hedland and placed in a residential situation; they were transported to Port Hedland and simply placed on the ground and left there.

The second type of housing is a legitimate, traditional transportable house of the type that was located in Goldsworthy. These date back to the start of the iron ore industry. They are jarrah-framed with iron roofs and split in half. In Goldsworthy they were mounted on a concrete pad with large cables going up through the wall cavities. Those cables are secured to angle irons on the roof of the house which has the effect of holding the roof down, keeping the whole building stressed, while at the same time allowing the house to flex in the wind. Some members will have seen them in every town in the north west. They are of a common standard; it is a house for transportable purposes. The house splits in two when 20 or 30 bolts are taken out of the roof and walls. The two halves are open-sided. Those houses were put onto vehicles and transported from the old town of Goldsworthy to the areas in Port Hedland and placed on the ground. In some cases they have large RSJs on the outer ends, but they are not tied down and not secured. In the internal wall cavities are the cables that tied them to the old pads, but they are no longer connected.

Mr Trenorden interjected.

Mr GRAHAM: No, they are not being lived in.

Mr Omodei: You must clarify that these buildings have been located in a compound that is owned by a person for possible resale.

Mr GRAHAM: That is correct. They are located on ground on which this chap has a lease. Nobody is living in them. Somebody did at one stage, but one of the houses burnt down so the chap who was living there as a caretaker was moved on. If they were lived in, we would not be having this problem; they would be residences, and as residences, they would not meet the building code and the appropriate action could be taken. The fact that they have been transported and set on the ground for storage creates part of the problem.

In 1995 the Act was changed. I moved some amendments to the legislation in that process. They were rejected. I have no quibble with the Government about that. The Government picked up the principle of my amendments. It put in place its own legislation, but did not accept mine. I accept politics being what they are, but the Act was nonetheless changed to give the local government some powers. That was done in October 1995. The problem, as I outlined in October 1995, was the appeal processes that were put in place in the legislation.

The blue alert of a cyclone is the second-to-last phase. The last alert is the red alert, whereby the rights of citizens to move on the streets is removed. During the last open alert period of the cyclone in 1996, I took another roll of photos. I went to the same places that I had been to a year previously and took the same photos. I launched into people about their inaction. I do not apologise for that; some of them got a bit bruised and sensitive. On 11 December 1996 an article was published in the *North West Telegraph* and a corresponding one in *The West Australian*. There was also coverage on GWN. The article states -

> Ghost suburbs of dilapidated buildings in Wedgefield have been labelled a death trap awaiting the next big cyclone to hit Port Hedland.
>
> The rows of empty, unsecured demountables, many taken down from Shay Gap and Goldsworthy when they were closed, have Pilbara MLA Larry Graham concerned.
>
> The North-West is now in a cyclone season which the Bureau of Meteorology predicts will be highly active, and Mr Graham said if a big one hit Hedland he was convinced that lives would be lost.

Some of my critics have suggested I am hanging out for someone to be killed in a cyclone because it would prove my case. I reject that outright. Nothing would make me sadder if that happened. For five years I have hoped that people would be able to say to me at the end of cyclone season, "See, nothing happened." They have been correct for five years; they may not be correct for six years. The article goes on to say what I have said before about the buildings. It states -

> In October the State Government gazetted legislation which gives local councils the right to order the occupier of a property to clean it, or clean it at the expense of the occupier.
>
> Town of Port Hedland acting chief executive Ken Donohoe said he believed the council was the first in WA to start issuing notices under the new legislation.
>
> He said some commercial and residential tenants had received notices from the council, including one for a property which had a number of demountables.

Mr Donohoe went on to talk about risking negligence claims. The article further states -

> The council also has emergency powers which can be enacted if a cyclone is bearing down on the town, but Mr Donohoe said these would be rarely used because of difficulties such as exposing itself to negligence claims.

I said to the Port Hedland Town Council at the time that it was an extraordinary comment for the chief executive of a council to make at a stage three years into the issue - in the middle of a cyclone season. The council to this stage had been less than cooperative. It had not been antagonistic and I am not suggesting it had. The article further states -

> Another aspect of the new legislation which Mr Graham said was hard to fathom was the right of a person issued with a notice to appeal.
>
> Mr Donohoe also said it was an 'odd' provision, particularly if a cyclone was imminent when a notice was issued, because the appeal would take 28 days to be heard.

Then the article refers to a bit of politicking whereby I asked all the candidates in the election to support it. Most of them, except the Liberal candidate, said they would -

> Liberal candidate Domenick Palumbo said he would support any move within reason to make Hedland safer, but business should not be detrimentally affected.

I do not have to say much more about that. That was a particularly stupid thing for a candidate to say at a crucial time of a public argument of some substance. A cyclone came through that year. Having been involved in a lot of the argument and debate in the lead-up to the cyclone, I was invited to the local emergency management advisory committee's debriefing on the cyclone. The cyclone crossed at 4.30 pm with maximum speeds of 168.5 knots on the leading edge of the cyclone; it was a moderately-strong cyclone. Once the eye had crossed the coast over Port Hedland, for some inexplicable reason the local emergency committee, which involved experts from the weather bureau, the police, the State Emergency Service and all the agencies, was unable to explain why the wind on the other side of the eye of the cyclone dropped to about 60 or 70 kmh. Had that cyclone maintained the wind velocity on the rear end that it had had on the leading edge, there is no doubt that Port Hedland would have suffered severe damage and possibly loss of life. Every one of those experts who had had experience with cyclones said that. We do not know why it happened. It had never happened with a cyclone before and it has not happened with subsequent cyclones. We were extremely lucky. In the middle of that process, the person who owned those houses which were in such a state, ignored shire council notices and lodged an appeal. It was quite extraordinary. On 18 December 1996 and 17 January 1997, the person involved lodged an appeal against the council's action, which was a notice for him to clean up the area of these houses. The process allowing an appeal to a court that was put in place by the minister has been in process virtually since then. Orders, notices and appeals have been issued and withdrawn. Absolutely no goodwill has been shown by the person who owns those buildings. His name is Ivan Yujnovich. His nickname around Port Hedland is Johnny Jinker. He has been around the town for a long time and I am told he is a very wealthy man. I had never met him until the other day - it was a cordial meeting at best.

Mr Omodei: You must say to whom he appealed. He appealed to the District Court.

Mr GRAHAM: I will deal with that in a moment. To date, there has been no cooperation by this person. When he appealed in December 1996, two major notices were issued, one against him and one against Simsmetal Ltd. Simsmetal said the same sorts of things to the council that Mr Yujnovich said: "We think you are being harsh and unreasonable. We will appeal it. It will cost us a poultice to have this fixed." Having said that and appealed, the company then cleaned up the area. To the best of my knowledge, it never proceeded with the appeal, but it may have. In any event it cleaned up the area - Mr Yujnovich did not and to date still has not. Under the Act his appeal goes to the Local Court in Western Australia. He lodged that appeal on 18 December 1996. It stated -

> TAKE NOTICE that the Appellant will move before a Stipendiary Magistrate of the Local Court at Port Hedland on Friday the 20th day of December 1996 at 10.00 o'clock in the forenoon FOR ORDERS THAT Town of Port Hedland notice no . . . be dismissed and that the orders be removed.

The appellant, Mr Yujnovich, was arguing in the middle of the cyclone season that he should not be ordered to make these houses cyclone-safe. That action was dealt with. Subsequent orders were reissued by the council in about January this year. Those proceedings then commenced. In May I wrote to the Minister for Local Government asking that he intervene in that court case. I had spoken to him and his officers on a number of occasions. My letter stated -

> Further to our conversation last evening, you would be aware that, on many occasions I have raised with you the question of the powers of Local Government to order residents and land owners to clean up their property in the time of cyclones.
>
> Concerns on these issues culminated in changes being made to the local government act to confer such powers on the relevant authorities. Included in these changes was an appeal mechanism that enabled someone on whom an order had been served to appeal to the local court if they felt that their business was deleteriously affected.

> The situation in Port Hedland is that there are a large number of houses stored on the perimeter of the town. These houses are stored on what I understand is private land on the seaward side of Wedgefield, the light industrial area of the town.
>
> The State Emergency Service, the Police, the Local authority and I all agree that these houses constitute a major danger to the town in the event of a cyclone.

I went on to point out that danger. The letter also stated that the matter had been listed in the Local Court on 28 May 1998. I made what I consider to be an important point in that letter -

> This is new law, there is no precedent. It would be a tragedy if the local authority was to either lose the case or have its already limited powers further restricted by the courts. The effect of such a decision by the courts would be to render the legislation useless, this would be a retrograde step and one that would put lives at risk in the time of cyclones.
>
> I believe that the case is of such fundamental importance to the public safety of the North West that the State should intervene in the public interest. Such an action would have to be instigated by the Department of Local Government and would enable the State to act as a safety net to support the powers of the local authority.

I did that for two reasons: Firstly, I was not entirely convinced that the case being handled by the Town of Port Hedland was the best case that could have been put and, secondly, the intervention of the State Government in the public interest would have sent a clear message to the court - and it should have intervened. The Minister for Local Government wrote back to me declining to intervene. Again, I make no great political point about that. However, he did send an observer who sat in the court, observed the proceedings and reported to the Government on matters that needed to change. The matter was heard briefly in May and was then rescheduled for mid-November. Firstly, a hearing was held at which it was referred for detailed hearing over two days in Port Hedland, which was last week.

I wrote to the minister again in September, because I thought that I could see the direction the court was taking. I will not go through that letter in detail, but I suggested there should be amendments to the Local Government Act. I accept that we need an appeal process in the event of actions by an unscrupulous or unethical council. The Opposition has been proved right in its warning that the appeal mechanism was overly legalistic and bureaucratic. The appeal mechanism has introduced a huge delay into the process, bearing in mind the urgency of getting someone to clean up because a cyclone or the cyclone season is approaching. The appeal mechanism provides a lead-up of 42 days before a person must do anything, and once it goes into the court process it is difficult to deal quickly with matters. I wrote to the minister suggesting amendments to the Local Government Act by way of a special Bill to remove that right of appeal to the Local Court, and for that appeal to be heard by the minister. That would have given the minister the power to hear the matter quickly, and for new notices to be issued and dealt with before the cyclone season, which started on 1 November. That would remove the necessity for a court hearing. It might be an unusual way to deal with things, but it is an unusual problem. The minister chose not to do that. I am critical of the minister for that, because he could have passed a Bill through both Houses quite rapidly and with a minimum of fuss and finalised the matter and the area would have been cleaned up. That has not been done.

Mr Omodei: It was already in the court.

Mr GRAHAM: That does not matter. It is not unusual to change legislation while a matter is before the court.

Mr Omodei: It is unlikely we could pass legislation that would override a matter in the court.

Mr GRAHAM: Of course we can. This is the most senior court in the State. Anyway, I did not get my way, and the minister won out. I am not overly concerned about that. However, we are now 10 days into the cyclone season. The magistrate has issued his orders, and I will talk about them in detail, although not at length. The magistrate has given the person who has resisted taking any action 30 days to comply with its notice. Evidence was introduced into the court that as the cyclone season progresses the more chances we will have of a cyclone occurring, particularly in Port Hedland.

Two matters occurred in the court. Arguments were put by so-called experts, who were engineers. Mr Ben Van Mierlo, of BBB Computing and Engineering Services of Southern Cross, gave expert evidence on behalf of Mr Yujnovich. His written submission reads -

> Missile damage due to flying debris, whether due to un secured materials or from catastrophic failure of an upwind building is likely to cause a greater amount of damage to the temporarily stored buildings than a fully secured building.

It is the essence of what we have been putting to Mr Yujnovich and the Government for five years. Mr Van Mierlo's submission contains statements that are demonstrably untrue. I do not know what else I can say about the submission that was put before the court. He continues -

> WA Jinker Service of Port Hedland has an open industrial block on Trigg Street, in the Light Industrial Area in

> Wedgefield. This block was established in 1975 after the destruction of a large portion of the buildings in the Port Hedland region after tropical cyclone JOAN. The block was specially set up to be temporary storage yard for transportable and other buildings in view of the risk of further cyclonic activity . . .
>
> The last time the Port Hedland Authorities questioned the use of these blocks was in July 1994 . . .

That is not true. The council has for nearly three years been questioning the use of those blocks. Mr Van Mierlo continues -

> Anchorage in the form of sand filled 200 litre steel drums has been proposed as a simple and effective anchor. Steel wire cable or rope with wire clamps and turnbuckles should be used. Deadman wire rope anchors (as in SEC wire rope anchors) are not suitable as the wind forces are not consistent and prone to loosening as was observed in the aftermath of cyclone Joan. Alternative anchorages to the above may be considered.
>
> It is considered that the buildings as stored and anchored as recommended on the Trigg and Miller St blocks at Wedgefield will not pose any elevated risk to other buildings in Wedgefield.

Page 2 of the engineer's submission says that missile damage due to flying debris, whether due to unsecured materials or from catastrophic failure of an upwind building, is likely to cause more damage to temporarily stored buildings than a fully secured building. On page 3 he says that the way to secure a building is with 200- litre steel drums, and the buildings that are stored in those places will not pose any elevated risk. He is right on page 2, and wrong on page 3. He cannot hold both views. If the engineer is correct in his assumption that sand-filled 200-litre steel drums are a simple and effective anchor for houses during cyclones, why the heck do we have the building regulations and restrictions that we have? The answer is self-evident: The submission is nonsense. However, the court is obliged to hear it, and to mediate and make its decisions based on it. I have some sympathy for the magistrate. Neither he nor I have any technical expertise. However, I have 25 years' experience, and have had to rebuild towns after cyclones have struck. It is nonsense and a disgrace for a professional to put this submission before the court, particularly on these sorts of life and death issues.

Following two days of inspections and discussions - notwithstanding that the magistrate has mediated what he views is a reasonable settlement - the court struck down the notices issued by the council and reissued a schedule of events that it deems is necessary to happen. That is, loosely speaking, the "good houses" will be surrounded by the "not-so-good houses" and all the loose debris and other material will be tied down. Members can read that in the schedule of events. If these houses were transported to what is still the gazetted townsite of Goldsworthy, the council would be able to condemn them, and require them to be fixed, because they would be residences that do not comply with the code. However, because they have been transported a couple of hundred kilometres from Goldsworthy to an industrial area, and have been torn to pieces, they are deemed by the court to be safe, once certain things occur. That is nonsense.

As I have said, I sympathise with the magistrate. I know him well; he is a good bloke. He was between a rock and a hard place, but he should never have been in the process. He was bound to make a legal decision based on the evidence before him, and he was not required to take the public interest into account - albeit he did, but he was faced with people arguing a point of law and a point of merit. The overreaching concern in the issue could and should have been the safety of the citizens of Port Hedland and the potential damage that could have been caused by a cyclone. The way to do that - I have written and spoken to the Minister and his advisers - is to remove it from the court system.

If the Government does not have amendments specifically to remove the consideration of cyclones from the court system and to put it before the minister, I have drafted some amendments and I am happy to put them forward. If the Government says that it will bring forward amendments to the effect that all cases except those involving cyclones must be heard by the court and the legislation remains silent on what happens in the case of cyclones, I will argue that that is unacceptable. We need a crystal clear message in the legislation that the power exists for local government and that if someone disagrees once the notices are issued, he must disagree to the minister. I should like to say that the minister will hear the case with due expedition and so on, but all good ministers would do that. It is an important issue for the town of Port Hedland and for the northern half of Western Australia because to date no council has successfully required someone to clean up an area in the event of a cyclone. The court case last week did not support the council.

The Government should deal with a couple of side issues - for example, costs. If the minister is to undertake the process, he must be able to award costs. It is a little unusual for me to argue for powers for Liberal ministers, but, after five years, there is a demonstrated case that the processes that were put in place have not worked. There is a demonstrated need for change. There is much merit in the argument that local councils in the north and I have put forward. The Government should meet the costs of the Town of Port Hedland. Through no fault of its own, it was put in that position to test the minister's legislation when, in the lead-up to it, its advice to the minister was that it would not work. I do not know what its costs are - they are probably $20 000 to $50 000. However, I do not think that it is an unreasonable cost for the Government to meet given the nature of the legislation and given that it was new and untested.

I now refer to another part of the legislation. In 1997 I received a letter from the Shire of Ashburton stating that the council had asked for an amendment to the Local Government Act to read -

> In exceptional circumstances, a member may participate in a meeting, to the extent determined by the council or committee, by telephone or video conferencing, or such other means as determined by the council by way of a resolution.

The Shire of Ashburton is one of the better bush councils in applying technology. There are some provisions in the Bill for that to occur, but they do not go far enough. I appreciate that it is too late to table amendments, but the minister should have a good, hard look at video conferencing technology and change the law to make it available to councils as a matter of course. A ratepayer in a shire such as Ashburton could and should have legitimate complaints about the amount of travel that the council undertakes in the fulfilment of its duties. The Shire of Ashburton has performed a good role and it has always met in every town in its area. It has not restricted itself to its major administration centre in Tom Price and it must meet extraordinary travel expenses. Several other councils such as the Shire of East Pilbara have a small population base and they spend a disproportionate amount of their money on travel to meet residents.

In another place, in another way and at another time I will have something to say about how advanced the State is with the telecommunications infrastructure, but we are not so badly off that simple video conferencing cannot be put in place in the north west. There might be an argument about the extraordinarily detailed and high- band-width requirements that are needed for some high-definition medical video conferencing - I am not sure that there is - but simple video conferencing is no longer earth-shattering technology. It is established technology. Private companies use it extensively. I would be very happy if members had video conferencing and we could vote remotely, quite frankly.

Mr Prince: It is used extensively for tele-psychiatry.

Mr GRAHAM: I do not know whether it has been used extensively. It has been used in some areas in some limited ways. I would not go as far as "extensively" yet. Three years ago it was not used at all.

The point that I am trying to get across to the Minister for Local Government is to take on board the valid request of the Shire of Ashburton. I understand that video conferencing is available by way of regulations. I would appreciate seeing the regulations before the minister dumps them down. I hope that the regulations are not unduly restrictive on local councils. The Government should lead the way and make it easier for councils to meet by way of video conferencing. One means of overcoming some people's concerns about councils not meeting publicly and about the public being excluded from council processes is to require them to put their processes on the Internet. People could dial up conferences and committee meetings, if they were interested, and watch them on the Internet. That also is not earth-shattering and new. The State of Washington has been doing it for many years. Members can dial up and, in effect, attend congressional meetings. Vancouver has been doing that for many years. A State such as Western Australia should take advantage of that technology.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [5.59 pm]: I thank opposition members for their contributions and their support for the legislation. It is remarkable that there has not been great demand to amend the Local Government Act, which was passed in 1995, bearing in mind that it covers all 142 local governments in Western Australia. Those local governments vary in size, geography and demography. The legislation has not been overly contentious. We are tidying some matters that need to be tidied. The Opposition has been well briefed. There are only a couple of matters with which opposition members are unhappy. The member for Rockingham believed that video conferencing will be expensive; he preferred telephone conferencing. Perhaps the member for Pilbara will disagree with that, but we have covered that matter in the legislation and will discuss it further in committee. We are allowing for a range of conferencing.

Sitting suspended from 6.00 to 7.30 pm

Mr OMODEI: Section 53 of the Act refers to the Local Government Advisory Board and frivolous claims. The member for Rockingham agreed with the thrust of the amendment Bill, and I appreciate that. He then said that this was the second amendment Bill, which I mentioned in my opening remarks. One of the things that we did not get exactly right in the original Local Government Act 1995 was the installation of commissioners for one year. That relates to clause 19, which the member intends to oppose. The reason for the installation of commissioners for one year was that at that time our only experience with a new council was the Shire of Ngaanyatjarraku, which is a far-flung place in Western Australia. Before the legislation was enacted the situation at Ngaanyatjarraku was analysed. We now find in dealing with larger councils - and in this case the City of Wanneroo was split to create two new councils, the City of Joondalup and the Shire of Wanneroo - that one year is not adequate. In that case we are seeking to make the Act consistent in that we can dismiss or suspend a council for a period of two years. There is no sinister, political agenda in trying to extend the term. I would be disappointed if the Opposition were seeking to oppose this clause merely for the sake of politics and could not see the need to give commissioners adequate time to deal with the creation of, in this case, two new councils.

We are seeking to extend the period of appointment of commissioners until the year 2000. There would then be an election in May 2000 and a newly-elected council would come into office in early July. I do not think anybody would deny that the bringing in of a council at the beginning of a financial year is the appropriate way to go. That is what we are doing in the case of the City of Albany. I will give members an idea of some of the work that the commissioners have had. The member talked about the time when the council was in suspension. Over that time, the councillors who were installed during the

suspension of the City of Wanneroo had no mandate even to begin any of the examinations and deliberations over the split of the City of Wanneroo. That could occur only when they were appointed as commissioners to do that job. In the time that they have been there, they have had to implement a number of things. For both new councils they have adopted two new logos, adopted separate budgets, created separate accounting systems, introduced associated statutory requirements, and commenced a separate reporting and record system. They have also commenced work on documentation for local laws, policy and procedures manuals, inventory register and asset review, contracts and strategic plans, and principal activity plans.

Detailed investigation work also should be commenced to identify the infrastructure requirements for both new councils. This will include the administrative accommodation, civic facilities, depots, and plant and equipment. These jobs will take more than 12 months. Members will understand that with two new councils elected, if they are deliberating over the transfer of assets and liabilities and the like, they will seek to act parochially for their own locality and therefore will not utilise an impartial method that appointed commissioners would be able to implement. The major task that will take time is the transfer of assets and liabilities so that the liabilities of the former City of Wanneroo are transferred to the new local governments. A comprehensive schedule of all property holdings needs to be prepared. Many hundreds of individual properties have been identified with an estimated value of tens of millions of dollars and although indicative valuations have been placed on many properties and schedules classified according to the property use, it is anticipated that it will be necessary to obtain a number of sworn valuations of a number of properties.

There is then the question of staff restructures. All staff of the former City of Wanneroo as at 30 June 1998 were transferred to the City of Joondalup. The city has a work force of approximately 1 000 employees. The commissioner has given an undertaking to all existing staff that there will be no forced redundancies. The finalisation of the structures for the city and the shire will not be completed until the beginning of May 1999, which is roughly when the next local government election will take place. There will need to be a final recruitment, selection and placement of staff which it is anticipated will take approximately nine months and will be completed by the beginning of December 1999. The chief executive officers have been appointed to both councils and a recruitment process has been initiated for a number of other appointments. Another major task on information technology will need to be completed prior to 2000. That will be to replace the former City of Wanneroo's 13-year-old mainframe computer of which no components are year 2000 compliant. This has called for an extensive computer system replacement program to replace all the core systems, which include financial and rating, property and mapping, and library and records management. There will then be a lead time for council elections of at least four months with advertising and electoral roll requirements. An in-principle decision has been made already to conduct the elections by postal vote, which I support strongly.

The amendment that we propose to this legislation will allow the commissioners at the City of Wanneroo to implement all of the mechanisms that are required to make those two councils effective. On the question of a return to democratic elections, I meet with the chief commissioner on a monthly and needs basis and I understand the commissioners have implemented a comprehensive list of strategies to ensure that the committee has access to the commissioners. Some of those strategies include a meet-the-commissioners arrangement, fortnightly council meetings, community needs and customer satisfaction surveys, a community directory, an opportunity for deputation, and also electors' meetings.

I implore the Opposition to look beyond trying to achieve political point scoring in the run-up to the next state election. This is a very important matter that we are dealing with in relation to Wanneroo. It is the largest of our municipalities. It has a budget in excess of $100m and 1 000 employees. To put in place elected councillors prematurely could cause more problems than we could handle. My preference is for the commissioners to be in place for an extended period. In other cases, they might not need to be there for two years, but one year might constrain their activities. On that basis, the Government will move an amendment providing for a two-year placement.

Clause 22 deals with enrolment and voting rights of owners and occupiers. The member opposite said that owners will be better treated than occupiers. In fact, occupiers change more often than owners. The City of Perth re-enrolment process, which involves many owners and occupiers, has not worked. This legislation will allow owners to be re-enrolled automatically and for occupiers to re-enrol after every two elections; that is, every four years. It allows an extra period of six months in which occupiers can re-enrol so that those affected do not drop off the roll immediately after the four years.

Members raised the issue of whether a person should have only one vote at a local government election. An old adage states that there should be no taxation without representation. If a person pays rates, he should have a say. Many people would support that. If a person owns a business in a certain locality, he should have a say in that locality.

Mr McGowan: Should the chief executive officer of Coca-Cola Amatil have a vote?

Mr OMODEI: If he has the appropriate qualifications under the legislation, he should. People can vote only once in an election. If a person owns three properties in one ward, he can vote only once. However, if he is an owner or occupier in another ward, obviously he would be eligible to vote in that ward as well.

At the moment, property owners fall off the roll at the change of ownership because the council is notified of any such change. However, there is no notification of a change in occupier. This legislation requires occupiers to re-enrol to ensure

that their eligibility is current, and that problem does not arise with owners. I am sure we will debate that issue further in the committee stage.

The member for Rockingham raised the issue of gratuities. Many councils have no gratuity policy. Some staff defer their salary rights and for tax reasons take a lump sum as a retirement benefit. Some councils have been too generous with gratuities. Under this legislation, they will be required to have a policy and it must be advertised so their communities know what is happening in that regard. The member for Rockingham should note the gratuities extravagance of former Labor Minister for Local Government, David Smith, who approved a payout of almost $100 000 to one local government chief executive officer in 1993, not long before the election.

Mr McGowan: Let us do something about it.

Mr OMODEI: We are tightening it up as much as we can. The member must take into account one of the requirements of the 1995 Act. In fact, he referred to that legislation as "the old Act". The old Act is the 1960s Act.

Mr McGowan: Good point.

Mr OMODEI: The 1995 Act is the new Act. Under that Act, most CEOs and senior staff are appointed on contract. Councils need to be able to pay out terminated contracts and to have too stringent a policy in respect of gratuities would cause problems.

We will discuss the issue of impounding animals during the committee stage. Councils must be able to euthanise an injured or sick animal. The Government is also discussing extending the period during which dogs can be impounded.

The member also raised a question in relation to clause 53(3), which deals with petitioning within a district. The Government is raising that issue because in the Albany situation the current Act was not as clear as it should have been. There were claims that a petition for a referendum about amalgamation in one municipality would bind the adjacent municipality. The Government wanted to clarify that so that a petitioning council could not force another council to petition for a referendum. In other words, there would need to be a petition from both councils if that were the case.

The other clause raised was clause 31, which deals with financial interests and gifts. We will discuss that in the committee stage.

The Government has responded to the Royal Commission into the City of Wanneroo and has addressed the level of gifts and the question of pecuniary interest. When a person provides assistance or a gift to a candidate at an election, it is deemed under this legislation that that person must declare an interest in that term. If he were assisted in the next election, another declaration would be required.

The member for Pilbara - Cyclone Larry - talked about cyclones. He said, and I agree wholeheartedly, that cyclones are extremely dangerous and unpredictable. He raised the situation in Port Hedland and the relocation of buildings from Shay Gap and Goldsworthy. The council served a notice on a person, who appealed to the Local Court in December 1996. The council received no cooperation from the person concerned and the matter has been going through the court system ever since. Of the 25 notices served by the Town of Port Hedland, only this case has caused any great problem. The court process has caused an inordinate delay. In fact, it was resolved only in the past week, when the court placed an order on the person to undertake the clean-up. The council has had a partial victory, but there is no doubt that the system is unwieldy. I will introduce an amendment, which I have discussed with the member for Pilbara so that he is satisfied with it. While the member discussed the possibility of introducing separate legislation to deal with this matter, this is the first opportunity the Government has had to grant new powers under the legislation. In the case of cyclones, and only cyclones, an appeal to the minister will be allowed.

If the minister then denied that appeal, the person would have to clean up the situation. Under the legislation, the local government has the power to force a person or company to clean up a site when a cyclone is imminent and that should remain in the legislation. I agree with the member for Pilbara that the appeal mechanism to the Local Court in this case has been overly legalistic and time consuming. I accept some criticism from the member for not having resolved this situation, but this is the first opportunity we have had to do that. I suggest the Town of Port Hedland write to the Treasurer regarding its legal costs. It was an extreme case to which I am sure the Treasurer will give due consideration.

The amendment seeks to provide the ability for the Department of Local Government to raise the issue of costs and to apply costs to the appellant. That is in order. The only other matters concerned the Shire of Ashburton, which I have visited recently. It is doing an excellent job. The vast distances, and at certain times of the year inclement weather, increase the difficulty for councillors to travel. Most people in the metropolitan area, the south west and the wheatbelt do not have to travel far. Some people in the Pilbara and the Kimberley must travel hundreds of kilometres to attend meetings. At times in the wet season that is almost impossible. We are therefore amending the legislation to allow technology conferencing to occur. That will apply to the use of all the appropriate technology available at the time. No doubt member councils will be happy about that.

At the same time, the legislation provides for local communities to become involved in the legislative process of local governments, to sit in on meetings and to ask questions. That may be possible with technology. I am sure that with the Internet and some kind of video conferencing that can happen. I would not like to see local governments abusing the use of technology conferencing. In the end it is a question of local governments holding meetings which the community can attend, and can listen to the debate and ask questions.

The member for Pilbara referred to the Internet, which I am sure will be an option considered in the future. The legislation is fairly straightforward. The Local Government Act has stood up well since it has been in place considering it covers the length and breadth of local governments in this State. I look forward to resolving some of the issues raised by the Opposition in Committee.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 2.36A inserted and consequential amendments -

Mr McGOWAN: Will clause 4 allow the minister, through the Governor, to abolish councillors from their positions or declare their positions vacant if at some stage he is considering the amalgamation or abolition of a local government? Are there any limitations on his ability to do that?

Mr OMODEI: That can occur only when I receive a recommendation from the Local Government Advisory Board to abolish a council. It will give me the power to immediately put in place a commissioner rather than have the council continue until the order takes effect.

Mr McGOWAN: What if a council is to be amalgamated? Will he have to consider that in the future?

Mr OMODEI: In the case of amalgamation, it would be exactly the same. This clause is in relation to any order that is put before the minister.

Mr McGOWAN: Is there a problem with the clause referring only to abolition rather than to the amalgamation of two districts?

Mr Omodei: To amalgamate, a council must be abolished at some stage.

Mr McGOWAN: Many local governments get pretty testy about these things. Do you not foresee one contacting the Opposition spokesperson and saying the minister is doing something improper because he is considering amalgamating two councils, as he did in Albany, rather than abolishing one?

Mr OMODEI: Amalgamation would be on the recommendation of the Local Government Advisory Board. If it recommended amalgamating a local government and I agreed, an order abolishing the district would take effect on a day other than the day the order was published in the *Government Gazette*. We had to abolish both local governments in Albany before we could amalgamate them. There should be no problem. The case is exactly the same for amalgamation as it is for a division.

Mr McGowan: I take it the clause has no bearing on a mere excision from one council for adding to another, because the minister would not be abolishing anything?

Mr OMODEI: That is right.

Clause put and passed.

Clause 5: Section 3.5 amended -

Mr McGOWAN: Will the minister introduce regulations to set out the transitional arrangements that are necessary to deal with the overturning of a local law? In his explanatory memorandum, the minister referred to the Town of Cottesloe and its beach parking laws. Is the minister saying that, as the minister, he is able to substitute a different set of regulations for the existing regulations? Does he introduce the regulations himself and put them in place prior to the council producing its own regulations? Is there a conflict in that at some stage the council must overturn the minister's regulations?

Mr OMODEI: In this case the power contained in the provision may be used by the Government to amend or repeal a local law. Transitional regulations may need to be prepared to cover people who are affected by the altered law. The new

subsection will provide the power for the regulations to be prepared to cover the situation. When a local government has been operating under an old local law and it seeks to change it, a transitional regulation is needed to allow the new local law to take effect.

Mr McGOWAN: Let us consider a situation in which the minister overturns the beach parking laws in Cottesloe. The minister introduces his own regulations to cover beach parking in the Cottesloe area. Is the council then able to immediately amend or overturn the regulations that the minister has introduced or is it able to replace the minister's regulations with its own local laws? Would those laws have a higher status than the laws the minister established?

Mr OMODEI: No. The Government would put regulations in place under the functions provision; and general regulations do not allow the council to change the local laws promulgated by the Government.

Mr McGOWAN: The regulations the minister put in place would exist in perpetuity.

Mr Omodei: Until the Government changed them. The council cannot change the Government's local law, but the Government can amend or revoke a local government local law.

Mr McGOWAN: The minister will be removing the powers of certain councils. I supported the minister's actions regarding parking at Cottesloe Beach, but I am wondering -

Mr Omodei: It is no different from what occurred in the past in that a Government could make a uniform by-law which would affect a local government or all local governments. Under the new local government Act, the word "by-law" has been changed to "local law", so it virtually means the same thing. In this case, the Government is saying there must be a transitional arrangement when changes are made to a local law.

Mr McGOWAN: That law cannot be amended by the local authority.

Mr Omodei: That is correct.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Section 3.38 amended -

Mr McGOWAN: The explanatory memorandum states that it is designed to apply to the impounding of cats by local authorities.

Mr Omodei: Cats is the example, but it could apply as much to cattle.

Mr McGOWAN: I thought the minister said other Acts dealt with cattle, dogs, sheep and other animals. This provision relates principally to cats. I would not expect many other animals to cause problems except those which are already covered by specific legislation. It seems unusual that the minister seeks to include this provision, but he has not introduced specific legislation to cover cats as he indicated earlier was his preferred option. Can the minister explain why he is not introducing a cat Act to deal with these matters rather than this fairly innocuous provision?

Mr OMODEI: The clause talks about all animals other than dogs and cattle, which are covered under the Dog Act and other sections of the Local Government Act. We are talking about cats, pigeons or any other animal that a local government would need to impound if it was a nuisance. The Government is not bringing in a cat Act to control cats because councils have different views as to how they should control cats. Some will adopt the high technology method of having a chip implanted in the animal. Some will want tags or collars for registration arrangements. Certainly the methods adopted by local governments in the metropolitan area will differ from those adopted by local governments on the fringe of the metropolitan area or in the country. In some parts of Western Australia the Dog Act is not applied to the letter of the law. Currently it is viewed as the legislation that controls dogs across the State. A case may exist for a companion animals Act or a separate piece of legislation to control cats, but in this case my preference is that local governments be given the flexibility to put in place their own local laws. In some cases they may adopt laws that have been adopted by another council. If a uniform local law were provided, councils could adopt that local law to control cats. This gives councils the flexibility they need. Some local governments are moving down that path at the moment.

Mr McGOWAN: It seems to me that this provision does not guarantee all of that. It relates to the impounding of animals. Is the minister saying that, as the law currently exists under the Local Government Act, councils have the power to use microchips and other techniques that the minister is talking about under local laws? If so, why is it necessary for this provision to be in the amendment Act? I would have thought this would already be a part of the local law-making capacity of a council.

Mr OMODEI: Currently for registration purposes councils have the power to use either collars or microchip implants, but they do not have the power to impound animals. In the newspaper in the past week - particularly in the eastern States'

papers - it has been reported that a large number of cats and dogs are euthanased because they are no longer wanted. If a local government wants to clamp down on stray cats, such as those that become wild when they roam away from their properties or that are dumped, it must have the ability under the law to impound those animals to take them out of circulation.

Mr McGowan: Are you a cat lover?

Mr OMODEI: No.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Section 3.47A inserted -

Mr McGOWAN: I move -

Page 8, line 7 - To insert after the word "animal" the following -

; and

(iii) No animal shall be destroyed under subsection (2)(b) unless it has been held in captivity for a minimum of seven days.

I have moved this amendment in good faith. Proposed new section 3.47A is designed to allow a council to destroy an impounded animal that is ill or injured if that is the only humane option. If the council takes into custody a dog that is injured and in an extremely distressed condition with a short life expectancy, that is reasonable. In addition, proposed new paragraph (1)(b) provides that a council cannot destroy an animal unless the council has taken reasonable steps to inform the owner. My fear is that some councils might take only perfunctory steps, either a telephone call or a ranger knocking on a door, and if the owner is not at home to answer the telephone or the door, he or she will find that a dog or cat, which in some families is treated like a child, will be put down. I know that has occurred in the past. For example, someone who left his dog with a neighbour while he holidayed down south has returned to find that it had escaped and been put down. A pet provides many people with a grip on life. Pets are of enormous importance to elderly people, and it would distress them to have their animals put down because the council had taken only perfunctory steps to contact them. The minister can argue that a council would do the right thing. However, we need to provide guidance to councils on what is right. Putting in place a time limitation to hold an animal is a decent and humane thing to do, and could save unnecessary distress for people whose injured or ill pets are impounded by councils. My amendment does not cover the urgent case in which the animal is beyond help. It is designed to cover a moderately injured animal that will survive, and to ensure that councils do whatever they can to find the owner of the animal.

Mr OMODEI: The member for Rockingham does not need to remind me about a companion animal being a member of an extended family. From debate on legislation dealing with cats I know that some people have strong views about feral cats killing bird life and so on. However, I soon found out that old Mrs Brown's cat was the only member of the family who was of some comfort to her. The clause refers to sick or injured animals and the member's amendment says that no animal shall be destroyed under proposed new paragraph 2(b)(ii) unless it has been held in captivity for a minimum of seven days . The member used the words "the decent thing to do". If the animal is sick or injured the decent thing is not to keep it for seven days. Dogs held in pounds are covered under the Dog Act and local government is required to keep the dog in the pound for seven days. The decent thing to do, if the animal is sick or injured, is for local government to take reasonable steps to notify the owner and to give him a reasonable opportunity to collect the animal. We cannot do much more than that. In many cases the ranger is faced with a seriously injured or ill animal and he or she needs to be able to dispose of that animal.

Mr McGOWAN: I support proposed new paragraph (2)(a). However, if the animal is ill or injured to a minor degree and the council decides to put it down after only one telephone call, that is outside the seven days prescribed in the Dog Act. This clause gives the council carte blanche to put down the animal. I accept that if the animal is in a distressed or badly injured state, but not if the animal is not seriously ill. Pet owners need an assurance that if they go down south for the weekend they will not come back to find that their dog has been put down because the council could not be bothered or has made only a perfunctory effort to find them. A reasonable period may be five days rather than seven days.

Mr OMODEI: The member for Rockingham has an unhealthy distrust of local government. Local government must have the power to deal with the matter on the ground. However, to satisfy the member, I will monitor the situation. If we receive complaints about the issue we will revisit it at some time in the future. Next we will be talking about what is reasonable and very reasonable, and what is sick, very sick and not very sick. This is not the Dog Act. This Bill is concerned not only with dogs but also with other animals if they are sick or injured. We are not talking about impounding dogs under the Dog Act, which is a totally separate matter, but a range of sick or injured animals that local government is confronted with and must make a decision about.

Amendment put and negatived.

Clause put and passed.

Clauses 13 to 18 put and passed.

Clause 19: Section 4.3 amended -

Mr McGOWAN: I oppose the clause. This Government will allow commissioners to be appointed to cities, councils, or shires for two years rather than one year. During the second reading debate I set out my reasons for wanting to keep the rule at one year as opposed to two years. One year should be enough for anything to be done. Enormous things can happen in a year. If the minister were to put three commissioners in a city or town, they should be able to sort out the affairs of an amalgamated or divided shire within a year. The reason is that it is important that they have in mind a brief time frame for the restoration of democracy. We should support democracy in local councils. Contrary to what the minister said a moment ago, I support local councils. People should have the right to elect those who represent them. As its base, the installation of commissioners is a suspension of democracy. If there were capacity for the Commonwealth Parliament to do that in respect of the State, all members would be outraged. We would think that it was an awful, rotten, dastardly thing to do and that the Commonwealth should not be able to do it. Of course, there is no such capacity under the commonwealth Constitution.

Mr Baker interjected.

Mr McGOWAN: I have my learned adviser, judge MacTiernan, filling me in on everything.

Mr Baker: Lionel Murphy.

Mr McGOWAN: There is judge Murphy down the back. He has gone off the track a little, but I am sure that he will come back one day.

We would be outraged if the Commonwealth had the capacity to suspend democracy in the State. We should be careful about how we administer our responsibility under the Local Government Act. When I spoke to a range of community organisations in the City of Wanneroo, they all supported one year as being long enough for commissioners to get into operation. In fact, they had 18 months to put things right. That has now been extended to two and a half years. One year is long enough. Local government and community groups support one year. If we put competent people into local authorities, they should be able to get the job done within a year.

Mr BAKER: I take this opportunity briefly to respond to the key assertion that was made by the member for Rockingham when speaking against the clause. He said words to the effect that the amendment would permit commissioners to be installed for two years. Of course, that is not the case at all. The key words in the Act are -

> . . . but is not to be later than one year . . .

If the words in the amendment were inserted, it would read -

> . . . but is not to be later than 2 years . . .

All that the provision does is set a maximum period, not a mandatory, absolutely set-in-concrete period.

It is wrong to generalise that in all cases one year is enough. It depends on the size of the job at hand. Even the member for Rockingham would accept that the internal arrangements and so on consequential to the split of the former City of Wanneroo are a very big task indeed. My personal attitude to when elections should be held in the new Shire of Wanneroo and the City of Joondalup is the sooner the better, but I would hate a rushed election to be held just for the sake of satisfying concerns in the community about the need to have councillors in place. It should be done properly. If it takes two years, one year or 15 months for the job to be done properly, so be it. There should be scope for a period of up to two years, and that is all that the amendment requires. It is not that the period must be two years. I support the clause.

Mr OMODEI: I shall clarify some comments that were made by the member for Rockingham. The amendment, which deletes "one year" and inserts "2 years", is necessary to give the commissioners enough time to establish the infrastructure and the administration of the new Local Government Act. The truth of the matter is that in the case of Wanneroo, and probably if we were to make changes to some other local governments, one year is not enough. It is as simple as that. As I mentioned in the second reading speech - I canvassed the argument extensively - we are trying to make the provision consistent with the dismissal and suspension provisions. In the case of small local governments or a smaller proposition, we might not need two years, but two years is the maximum.

Although there might be a suspension of democracy in electing local councils, to all intents and purposes the commissioners become the council. Therefore local government communities will still have access to the commissioners acting as the council. Wanneroo and Joondalup will have missed one election. Yes, they are appointed members. How would the member for Rockingham expect two elected councils at Joondalup and Wanneroo effectively to divide assets, liabilities, staff and the range of other things that must be divided by an independent impartial body? Those two elected councils would hold the line, as we would expect them to do, in respect of their parochial interests.

Mr McGowan: I said that we should keep it at a year.

Mr OMODEI: I am telling the member for Rockingham that one year is not enough. It would create huge problems for newly elected councils. I wonder whether the Opposition would take responsibility if the measure is not passed and elections must be held in May 1999 and those two councils did not agree. It would create problems not only for me as Minister for Local Government but also for people who live in Joondalup and Wanneroo.

To recap, we are trying to create consistency. Under the current legislation we can put in commissioners for two years. In the case of Wanneroo and Joondalup in particular, there must be the ability for commissioners to stay long enough properly to divide assets. The fact that it may be two years is to line up with 1 July financial year purposes.

Mr McGOWAN: As I have said, Liberals from Joondalup should not comment on issues to do with the City of Wanneroo. I want to clarify a few points with the minister. If the amendment is agreed to, there will be two elections in the City of Wanneroo next May.

Mr Omodei: It must be before 1 July next year. They were appointed on 1 July for 12 months.

Mr McGOWAN: The minister's provision relating to the extension of time to two years is specifically directed at the new Town of Wanneroo and the City of Joondalup. If my amendment is accepted by both Houses of Parliament there will be an election in both of those municipalities before July next year.

Mr OMODEI: That is a distinct possibility. It is a general provision for all local governments. It does not necessarily mean that it is purely for Wanneroo, but the Wanneroo split has certainly highlighted the issue for us. Again, we are talking about an enterprise with a budget of $130m and more than 1 000 employees. It has a huge range of assets and liabilities to the value of tens of thousands and hundreds of millions of dollars. It would be applicable in the case of Wanneroo. However, it applies to any other local government that would be required to have this provision. It does not mean that every local government will have commissioners for two years when there is a new local government. It provides the capacity to go as long as two years if that is required. In many cases it will not take that long and we can return to democratic elections as mentioned by the member. I favour democratic elections, but I also favour doing the job properly in the specific case of the City of Wanneroo split.

Mr McGOWAN: I thought I heard the minister say a moment ago that there was another way in which he could extend the time for the commissioners in the City of Wanneroo.

Mr Omodei: No, I did not say that.

Mr McGOWAN: Obviously we will not agree. The Opposition is supportive of a one-year term for commissioners in the interests of democracy and local communities.

Clause put and a division taken with the following result -

Ayes (24)

Mr Ainsworth	Mr Cowan	Mr Marshall	Mr Shave
Mr Baker	Mr Day	Mr Masters	Mr Sweetman
Mr Barron-Sullivan	Mrs Edwardes	Mr Nicholls	Mr Trenorden
Mr Board	Mr House	Mr Omodei	Mr Tubby
Mr Bradshaw	Mr Kierath	Mrs Parker	Mr Wiese
Mr Court	Mr MacLean	Mr Prince	Mr Osborne *(Teller)*

Noes (20)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Pendal	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Riebeling	Mr Cunningham *(Teller)*

Clause thus passed.

Clauses 20 and 21 put and passed.

Clause 22: Section 4.33 amended -

Mr McGOWAN: I raised clause 22 during the second reading stage. It relates to the enrolment eligibility on the basis of ownership of rateable property. I expressed the view that the owners of rateable property in local government areas should not have a vote unless they are residents and it is a view that I will continue to hold. As a general philosophical position, it is a sound one. However, this clause deals with the situation in which people are dropped off that roll. Presently, people

whose only eligibility to enrol is through the property ownership criterion drop off the roll after a four-year period - the same as tenants. They then must re-enrol. That rule was put in the original Act by the minister on the basis that these people often change over. There is a turnover of tenants, the same as there is a turnover of owners. One has only to look at the property pages of *The West Australian* or any local paper to know that an enormous turnover of owners goes on every day of the year. There is a dichotomy that the minister is putting in place; that is, he is drawing a distinction between tenants and owners. That is not fair. The current system is good and should remain in place. I am not sure of the basis for that distinction, but it seems to be very unfair. The provisions that exist at the moment should be left in place. They are fair and reasonable.

In his second reading speech the minister said something along the lines of it being fair because an owner has no taxation without representation. I am not sure whether he knows the historical basis of that statement. I think it goes back to the Australian Capital Territory and the fact that it did not have a federal representative until sometime in the 1950s when Allan Fraser came along. That is the origin of that phrase. He referred to it in relation to local government authorities. If the minister is going to use as a basis the fact that someone owns something in a particular area, why not the chief executive officer of Coca-Cola Amatil? It has manufacturing factories in Western Australia, yet he lives in America. In principle, that is the same argument. The minister is trying to draw a distinction between two groups of people. It is an unfair distinction and should be dropped.

Mr OMODEI: I will not go over the issue as I canvassed it strenuously during the second reading response. If the chairman of Coca-Cola Amatil were an Australian citizen and owned a property or was an occupier, he would be able to vote in a local government election.

Mr McGowan: Even though he may live in Sydney or Melbourne?

Mr OMODEI: Yes, as long as he is a nominee of a company.

What we are trying to do in the current legislation, which was debated at length in local government circles for three or four years, is to change the provision under which if owners are on the rate book, they are automatically on the roll. By virtue of being on the residential roll, people are currently automatically on the roll ad infinitum unless they change States or local government. We wanted to clean up the rolls. A lot of people had died and were still voting! A lot of businesses had gone out of circulation and gone broke and were still on the roll. In the first stage of the 1995 Bill we required everybody to re-enrol every four years. Local governments sent out extensive circulars by letter or advertised in local papers. The responses were not as good as they should have been. Their demand to me as the Minister for Local Government is that all owners should be allowed to be re-enrolled as a result of local government's efforts to get people to re-enrol for local government elections.

This amendment provides that all owners should be automatically re-enrolled but that all occupiers should have to re-enrol because of the turnover of businesses going out of circulation. We have given people an extra six months so that they do not automatically drop off the roll the day after the local government election but are given time to have the opportunity to re-enrol. In other words, it is to allow local governments to advertise that people are required to re-enrol if they are occupiers. It is a question of commonsense. I think local governments will be satisfied with the provision. There will still be quite an onerous responsibility on occupiers to re-enrol but owners, by virtue of their ownership of property, will automatically be re-enrolled.

Mr McGOWAN: The minister is highlighting the innate unfairness. An occupier will have the onerous responsibility, in the minister's words, to re-enrol, yet someone who might live in Sydney will stay on the roll automatically. That is the unfairness of the clause.

Mr Omodei: We are doing that because of the numbers of changes that are occurring. Occupiers are moving around more than owners do. That is our recorded experience, and that is why we are changing the legislation.

Mr McGOWAN: If the minister looks in *The West Australian*, he will see that businesses change hands fairly frequently, as do houses. I will give the minister a simple solution to the complex problem of maintaining these rolls. If the minister drops the requirement of enrolling on the basis of being an owner and resident somewhere else, he can go directly to the commonwealth electoral roll; he does not have to worry about councils maintaining rolls. They do not like maintaining rolls. It is a very simple solution which will save ratepayers a helluva lot of money and save councils a helluva lot of time. Perhaps I should have been called in as a consultant and then I could have come up with that solution for a few hundred thousand dollars. Have any councils pushed for this provision to go into the Act? Has the minister been lobbied by any mayors or lord mayors for that matter on this item as being of concern to the authorities? Is this provision in response to that lobbying?

Mr OMODEI: I am quite surprised at the proposition the member makes of going back to residential rolls and allowing only those on the roll to vote. I do not know whether he or his Labor Party supporters realise that it would probably disfranchise every central business district business in regional Western Australia and certainly it would disfranchise a lot of people in the City of Perth who are not on the residential roll for the City of Perth. With inner city living, there would be a few hundred people on the residential roll for the City of Perth.

Mr McGowan: Most people with businesses in regional cities, for instance Bunbury and Geraldton, live in the cities, so they would be voting anyway.

Mr OMODEI: They could live in Greenough.

Mr McGowan: Probably not for much longer and probably not much longer in Bunbury.

Mr OMODEI: They could live in Australind or Eaton.

Mr McGowan: They could live in Dardanup. The problem is not as big there. I acknowledge the minister is saying that there is a problem in relation to the City of Perth but inner city living is one of the fastest growing areas in metropolitan Perth and there would be a substantial base of electors in the area.

Mr OMODEI: I do not think that the member has thought it through. The Western Australian Municipal Association has supported this quite strongly. I have had correspondence from many local councils that support the re-enrolment provision. The City of Perth has certainly supported it because of its difficulty in getting owners and occupiers to enrol.

Mr McGOWAN: The Opposition will continue to oppose this clause. We think that the provisions in the existing Act are sufficient and they set out a just balance between tenants and landlords.

Clause put and a division taken with the following result -

Ayes (25)

Mr Ainsworth	Mr Day	Mr Masters	Mr Shave
Mr Baker	Mrs Edwardes	Mr Nicholls	Mr Sweetman
Mr Barron-Sullivan	Mr House	Mr Omodei	Mr Trenorden
Mr Board	Mr Kierath	Mrs Parker	Mr Tubby
Mr Bradshaw	Mr MacLean	Mr Pendal	Mr Wiese
Mr Court	Mr Marshall	Mr Prince	Mr Osborne *(Teller)*
Mr Cowan			

Noes (19)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough	Mr Ripper	

Clause thus passed.

Clauses 23 to 29 put and passed.

Clause 30: Section 5.50 amended -

Mr McGOWAN: I move -

Page 17, after line 6 - To insert the following -

(4) Any payment or payments to a person in this section made by a local government is not to exceed $5,000 in value.

This clause relates to gratuities paid by local government authorities to former employees. The provision put forward by the minister states that a council should put in place a policy for gratuities and should make payments of gratuities only in accordance with that policy. The minister is still leaving it open for councils to make enormous payments of gratuities to long-serving employees. I do not have a problem with a small gratuity or with a council providing a long-serving employee with a gold watch, a painting, a farewell party or a range of things of that nature, but I do have a problem with councils paying enormous gratuities to people who already will be in receipt of a large superannuation package. That is wrong, and if the ratepayers knew about it, they also would say it is wrong. They accept that it is legitimate for superannuation to be paid to people who work in councils, and they should receive it; however, people would find it difficult to accept that chief executive officers on salary packages of up to $200 000 can receive a gratuity on top of that when they leave the council. In the past gratuities have included a year's pay. The minister relayed a case a little while ago about a chief executive officer. As a symbol of goodwill from the councillors of a local government authority, some chief executive officers of that council have received cars and various packages when they have left. I put to members that most ratepayers would not see it as goodwill and, in fact, would have great difficulty with it. This is why I have moved the amendment to limit the amount of gratuities to employees. In many local government authorities, the councillors are heavily influenced by chief executive officers and senior staff, and sometimes in the spirit of goodwill the councillors may do something for these officers, who are probably long serving and very capable, that should not be done. These major payments for gratuities must stop.

The second reading speech indicates that there is salary packaging and people receive payments at the end of their term of employment, and in some cases some council officers, upon retirement, are re-employed as consultants. This amendment will not stop that sort of thing. Some people may think a consultancy in those circumstances is a gratuity. This provision would make a council think very carefully before it does something like that, and it would discourage the council from acting in this way. We must put in place some discouragement to councils from doing this sort of thing. It is wrong and it is about time that we, as legislators, indicated that we think it is wrong.

Mr OMODEI: I share the concerns of the member about those gratuities that are exorbitant. I have long considered the issue. As a matter of fact, some local government authorities have had funds set aside for long service, sick leave and gratuity payments. In one case, a shire clerk, with the approval of the former minister, David Smith, received a payout of $100 000. The former shire clerk told the council that it was in the fund and it would not cause a rate increase. The truth is that it was an exorbitant payout. Section 5.50 of the Act refers to the preparation of a policy and states -

(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out -

(a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and

(b) the manner of assessment of the additional amount,

and cause the public notice to be given in relation to the policy.

(2) A local government may make a payment -

(a) to an employee whose employment with the local government is finishing; and

(b) that is more than the additional amount set out in the policy prepared by the local government under subsection (1),

but local public notice is to be given in relation to the payment made.

It did not catch the councils that provided things other than a cash payment, such as a house or a car, or in some cases where a gratuity is paid, or upon termination of the employment, the reappointment of the officer - bearing in mind it is not necessarily the chief executive officer; it can be senior staff - `on a consultancy. That could also be said to be a form of gratuity. I am concerned about it. I give an undertaking that we will monitor this very carefully. This clause catches those things other than cash payments.

The solution in this amendment is a little simplistic. If the member for Rockingham will allow me the opportunity to monitor this to see how it goes, I will amend the Local Government Act to create a head of power for a regulation-making power to control those sorts of things. I reiterate: I share the concern about the payment to local government officers of exorbitant gratuities. I am monitoring the situation. This clause is part of a solution to make sure we catch those things other than cash payments. At the same time the local government authorities are required under the Act to have a policy and for that policy to be advertised. I dare say that it could be argued that in the meantime the councils could pay that retiring officer and then subject themselves to the scrutiny of the ratepayers at the election and, in that case, councils would need to be circumspect about how they paid gratuities. If there is a policy that allows exorbitant payments, I dare say the councillors will not be elected for too long.

Amendment put and negatived.

Clause put and passed.

Clause 31 put and passed.

Clause 32: Section 5.62 amended -

Mr McGOWAN: I move -

Page 19, line 9 - To delete the word "the" and substitute "any".

Page 19, lines 10 and 11 - To delete the words "was last elected" and substitute "nominated".

Page 19, line 13 - To delete the word "last".

This provision relates to gifts being declared as interests when a councillor is required to vote on an issue. On occasions councillors receive gifts or donations from people in their community prior to an election because that person feels that that councillor represents a view of the world held by that person. Under this clause, during that four-year term of office of that councillor, he is required to declare an interest and not vote on any issue affecting that person who made the donation. The

problem is that after that election, the councillor is then free not to declare that interest. That interest may have been substantial in putting that person on that council. That donation or gift may have been a large sum of money. After one election, that councillor is not required to declare it again in relation to how he may vote on any issue. That is wrong. The public would think that is wrong. The public would expect a councillor to declare a donation forever. That applies elsewhere. For instance, when a member makes a declaration of assets in this place, that declaration stays on the books forever. It does not apply for only one term. In many areas that is the case. Therefore, that declaration should stay in place for more than one election period. It should also apply to elections at which a councillor may have nominated as a candidate but was not elected. It should remain in place for the period that person is a councillor.

Most councillors have a fairly short shelf life. Some of them are renowned for their longevity, but most of them are four or eight-year councillors statistically. Most of them realise what is required after that period and are not in office for a long time.

Mr Omodei: They must stand for election every four years.

Mr McGOWAN: I know they must stand for election every four years. They should have to declare that interest into the future. If they received a donation at one point, they should keep declaring it whenever an issue relating to that donation comes before the council. Otherwise, one would have to wonder why we went through the royal commission in Wanneroo. That royal commission examined all these types of issues, and it said that the highest standards should be upheld. My amendments are attempting to put in place the highest standards in this matter. The Government should support them.

Mr OMODEI: The Government opposes the amendments. The inclusion of the new clause is an important amendment requiring a council member to declare a financial interest when the council is dealing with a matter involving a person who has made a donation to the councillor's last election campaign.

The DEPUTY CHAIRMAN (Ms McHale): There is far too much noise coming from the members to my right. Perhaps they might like to continue their conversation outside.

Mr OMODEI: These will be such election gifts as must be disclosed in regulations to be brought into operation shortly. They relate to amounts which are $200 or more and are given for campaign purposes. The member opposite is saying that if a councillor is elected and somebody donates, say, $200 to that election campaign, that person who is elected must declare an interest ad infinitum when any matter arises concerning that donor. That means that 20 years down the track he will still be declaring an interest in a situation where somebody may have donated $200. It could have been in kind; it could have been printing material. The member is trying to be overly prescriptive. Of course, that person must declare that donation at every new election. Therefore, as the member said, if that councillor is in office for eight years and that person donates to the second campaign as well as the first, the councillor must declare that on the register and not vote on any matter relating to that donor. The member for Rockingham is being overly cautious. The requirement to re-register any donation at every new election is appropriate. However, to expect somebody to declare an interest on a matter perhaps a decade later is overly cautious.

Mr McGOWAN: The minister gave the example of a $200 donation. What happens if it is $10 000? Four years later the slate is clean and the councillor does not have to declare it any more. He can vote in relation to an interest -

Mr Omodei: He or she must be re-elected.

Mr McGOWAN: The minister was elected to local government. It is not that difficult.

Mr Omodei: I inform the member that I stood for a number of elections. I received 100 per cent support rate in three elections and was elected unopposed.

Mr McGOWAN: That is what I am saying. It is easy.

Mr Omodei: The Mayor of Victoria Park has been re-elected to council for over 30 years and has not been opposed. That is a 100 per cent support rate.

Mr McGOWAN: The minister is missing my point. The point I am making is that it is a four-year period. The day before the first election, one gets a donation of $10 000 from a person.

Mr Omodei: Nobody ever gave me a donation.

Mr McGOWAN: I am not referring to the minister. The minister must develop more of a sense of humour. The day before an election somebody gives a councillor a grant of $10 000. The day following the election, that councillor is then able to vote without declaring an interest concerning that person's development or whatever. That does not seem to be right. Under the Bill, that would be able to occur.

Amendments put and negatived.

Clause put and passed.

Clauses 33 to 49 put and passed.

Clause 50: Section 9.8 amended -

Mr OMODEI: I move -

Page 28, line 13 - To delete the word "An" and substitute "Subject to subsection (1a), an".

Page 28, after line 16 - To insert the following -

(1a) An appeal that -

(a) is against a decision that adversely affects the business or livelihood of the appellant; and

(b) relates to a notice given under section 3.25(1) requiring a person to do anything specified under clause 10 of Division 1 of Schedule 3.1,

is to be dealt with by the Minister.

Page 28, after line 18 - To insert the following -

(2) After section 9.8(3) the following subsection is inserted -

" (3a) When hearing and determining an appeal the Minister -

(a) is to conduct the proceedings in such manner as the Minister thinks fit; and

(b) may make such orders as to costs as the Minister thinks fit. ".

These amendments relate to cyclones. I have had extensive discussions with the member for Pilbara on the matter, which he canvassed comprehensively in his contribution to the second reading debate. The member, to his credit, has represented his constituency most appropriately. A serious problem arises in the advent of a cyclone which can cause damage to property and life. The legislation will ensure that councils can place a notice for a clean-up before a cyclone. The Government has provided the ability for a person to appeal to the Local Court in cases in which a business might be adversely affected by that clean-up. The Local Government Act allows for adversely affected persons to appeal to the minister, and for adversely affected businesses to appeal to the Local Court. This Bill will allow the minister to deal directly with appeals relating to cyclone clean-ups. I hope this amendment satisfies the concerns of the member for Pilbara.

Mr GRAHAM: Earlier today I circulated a possible amendment, which I do not intend to pursue. I am happy with the amendments moved as they meet my requests, and those of the local council, which I raised in the second reading debate. As a consequence of drawn-out legal proceedings by a malcontent in Port Hedland - arguments can be mounted for and against in the matter - this person has deliberately used the legal system to frustrate the lawful and proper activity of the local council. That matter should not be before the courts, but before the minister.

The second amendment will enable the minister to construct the proceedings in a manner he or she thinks fit. I do not oppose that intent. However, is the intent of the legislation for the minister to deal with the matter expeditiously, given that these issues are likely to arise in the advent of a cyclone?

Mr OMODEI: This amendment will do exactly what the member for Pilbara wishes; that is, deal with matters relating to cyclones expeditiously. The minister will be able to investigate matters and deal with them, and make orders regarding costs, as he or she thinks fit. Legislation has been in place to deal with these matters when a cyclone is imminent, and it was found that a person or company can frustrate the process by making an appeal to the Local Court. The local government must then try to deal with the matter. By having the appeal made directly to the minister, it can be dealt with quickly and well in advance of any impending cyclone. I hope that satisfies the concerns of the member for Pilbara, and that we can now get on with the business of cleaning up cyclone areas.

Mr GRAHAM: The minister's comments set my mind at rest. I thank the minister and his staff and advisers for their assistance in the process over the last couple of days; it has reduced the process to achieve very important legislation at an important time.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 51 to 56 put and passed.

Title put and passed.

Bill reported, with amendments.

TITLES VALIDATION AMENDMENT BILL

Committee

Resumed from 29 October. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 7: Parts 2A, 2B and 2C inserted -

Progress was reported after the clause had been partly considered.

Mr RIPPER: I remind the minister that the last time we debated this Bill, it was removed from the guillotine motion and, in response, I gave an assurance that the Opposition would cooperate in the passage of this Bill by close of business tonight. I gave that assurance on the assumption that debate on the Titles Validation Amendment Bill would resume at the first opportunity today. However, it is now 9.20 pm and I do not think the Opposition should be held to that assurance, given that the Government did not bring on the Bill for debate earlier today.

Mr Prince: If we stopped the tedious repetition, I am sure we could get on with it.

Mr RIPPER: There has been no tedious repetition, except of the minister fudging and failing to give answers. I discussed this matter with the Acting Leader of the House, and I believe I have an understanding that the Opposition is not held to the proposition that this legislation be passed by the close of business tonight, given the late time at which it has been brought on for debate.

Mr PRINCE: If the Deputy Premier, who is Acting Leader of the House, has told the member for Belmont that that is the situation, I abide by what he said. He is perhaps an older and wiser person than I and he was not in the Chamber when the Deputy Leader of the Opposition gave an unequivocal and totally incorruptible undertaking on which he is now reneging.

Mr RIPPER: I am not reneging on an undertaking, but it was made on the assumption that the Government, because of its claim that the Bill was urgent, would bring it on for debate earlier than now. It has taken from four o'clock, after the suspension of standing orders, until now to bring on this matter for debate. We shall see how we go. I assumed that there would be several hours of debate on this Bill and obviously at this stage not much time is left before the House will rise.

Mr Prince: Do you have all the answers to your questions?

Mr RIPPER: I have answers and information from the Government which I propose now to debate. I appreciate that the Government has given the Opposition copies of the indemnities relating to the seven instances and 211 titles where the Government acted unlawfully, and I intend to pursue some of those matters. I refer first to the minister's statement in this Chamber on Thursday, 29 October, recorded at page 2929 of *Hansard*, when he was asked about the issue of these titles outside the provisions of the Native Title Act. He said -

> We carefully researched whether there could be any form of adverse effect on any native title and concluded there was not, otherwise we would not have proceeded.

I ask the minister how he reconciles this statement with a number of statements in the indemnities. For example, I refer to the indemnity agreement relating to the goldfields gas pipeline laterals between the State of Western Australia, the Minister for Mines and Western Mining Corporation Ltd. It is stated at clause 2.2 of the indemnity: Furthermore, the licensee acknowledges that applications claiming the existence of native title rights to land which includes the subject land have been lodged with and accepted by the native title registrar under the Native Title Act, although those applications have not been determined to date. The minister said that the Government had carefully researched whether there was any adverse effect on native title, but the indemnities indicate that not only is there a theoretical possibility of native title existing on the land in question, but also native title claims have actually been lodged with and accepted by the native title registrar. The minister's statement in this Chamber on Thursday, 29 October was not accurate. I am drawn to that conclusion not only by an examination of the indemnity relating to Western Mining Corporation, but also by similar statements in other indemnities. I refer to the indemnity agreement relating to the Golden Web project, between the State of Western Australia, the Minister for Mines, and St Francis Mining. Clause 2A of that indemnity agreement states, "The lessee acknowledges that applications for determination of native title WC95/11 and WC95/27 are currently pending in the National Native Title Tribunal in respect of the subject land." How can the minister say that the Government carefully researched the matter when in the indemnities which the Government signed with these companies, the existence of active native title claims is acknowledged?

Mr BRADSHAW: I find this debate quite interesting and frightening. The Opposition wishes to nitpick and hold back the State of Western Australia.

Dr Gallop: Do you want to talk about the Trade Practices Act, the Bill of Rights, and the Criminal Code?

Mr BRADSHAW: We are trying to make this State a successful State, by creating jobs and wealth, and all members opposite can do is nitpick and try to hold back the development of Western Australia. Their attitude is incredible. It is small minded and it is done purely for the sake of opposition. They have no credibility whatsoever. The Government has given the indemnities.

Dr Gallop: Are you part of this process?

Mr BRADSHAW: No, I am not a part of that process.

Mr Carpenter: Why do you think you are the only one standing up for the minister? You are making a foolish mistake.

Mr BRADSHAW: The minister is probably surprised that I am speaking, but I feel very strongly about the matter.

Mr Carpenter: No-one else is silly enough to back him up after what he told the Parliament last time. You should sit down.

Mr BRADSHAW: I will not sit down.

Mr Carpenter: Why do you think no-one else is here but you?

Mr BRADSHAW: There are not many members on the opposition side of the Chamber standing up for the Opposition. They all realise that some of their members are making a big mistake trying to say that the Government has done the wrong thing. We have done the right thing by the population of Western Australia.

Mr Carpenter: Which population of Western Australia?

Mr BRADSHAW: I am talking about the general population of Western Australia. I am talking about the majority of people in Western Australia who want this to proceed in a rational way to create jobs and wealth. All members opposite can do is nitpick, and knock, knock, knock. I am sick of their attitude. In my area, I describe one opposition member for the south west as the member for Mandurah because all he does is stand up for Mandurah. He wants to create havoc in my electorate. It is not doing him any good. It is not doing my electorate any good because the people are concerned. I am sick and tired of this nitpicking and knocking attitude. Let us all pull in one direction and try to make this State as successful as it has been in the past. We need to create jobs and wealth. That is very important, but all members opposite can do is nitpick. When they think about this later tonight, I am sure they will realise they are making a big mistake.

Mr PRINCE: With respect to the point raised by the member for Belmont, the fact that claims are made does not mean that there is any native title there. My statement that we researched is accurate. We researched, and we did not consider that there was any likelihood of native title being found. There is nothing unlawful or illegal about what was done.

Several members interjected.

Mr PRINCE: Wait a minute. I ask members to listen to the point. It is exactly the same as that which was done in New South Wales and Queensland.

Dr Gallop: No, it is not.

Mr PRINCE: It is. Titles were granted. No indemnities were sought from third parties. Titles were just granted, and they have been done for a variety of projects across the eastern States.

Dr Gallop: Why was it a secret in Western Australia and not a secret in Queensland?

Mr PRINCE: It was not a secret.

Dr Gallop: Of course it was a secret. You did not even mention it in your second reading speech - one of the most disgraceful second reading speeches ever made in this Parliament.

Mr PRINCE: It was not a secret. It was done completely openly. It was even on the public register, as I pointed out on the previous occasion. The member eventually had the wit to ask detailed questions and he received detailed answers. I ask him to consider the case of Fejo v Northern Territory of Australia, a 1998 High Court decision of Chief Justice Gleeson and Justices Gaudron, McHugh, Gummow, Hayne and Callinan. I have a short extract from part of that judgment which was given to me by my adviser. It states -

> Native title is not able to be extinguished contrary to the -

Native Title Act -

> but the Act does not forbid all conduct that may affect native title . . . the scheme of the Act . . . is not to prohibit certain future conduct and permit other conduct. Rather, it deals with the consequences of that conduct. Some conduct will affect native title; some will not.

> No doubt, one important aspect of the protection that the Act gives to native title is the right to negotiate . . . But the protection that is given by that right is limited in two ways . . . First, the right that is given is a right to negotiate about particular kinds of proposal, not any and every step that may be taken in respect of land which is the subject of a native title claim. Secondly, permissible future acts of the kind which enliven the right to negotiate will validly affect native title only -

Point of Order

Mr RIPPER: The minister is quoting from an official document. I ask him to table it.

Mr PRINCE: Certainly. I have no problem with that. The member for Belmont certainly may have a copy. It is an extract from the High Court judgment in the Fejo case.

The DEPUTY CHAIRMAN (Ms McHale): The minister cannot table papers in committee, but he may make them available.

Mr PRINCE: I will make it available - whatever is appropriate.

Debate Resumed

Mr PRINCE: There is nothing unlawful about the issue of either the general purpose leases which enabled the Broken Hill Proprietary Co Ltd's hot briquetted iron plant to be constructed, and the laterals for the pipeline, or the leases in relation to gold mining matters, the full details of which the member for Belmont has. There is nothing unlawful or illegal about that. We can debate whether any part of that might subsequently be found to be voidable. We researched, and, as the member for Belmont will find in several indemnities, there are statements with regard to anthropological and archeological inquiries and so forth that have been made. We consider that there will not be found to be any native title on those pieces of land. At some future date perhaps there will be a determination in the Federal Court, but that will be many years away, with the way things are going.

For example, there are two or three claims over the whole of the metropolitan area, including freehold land. Clearly, those claims cannot last with regard to freehold grounds, but nonetheless they cover freehold land. The fact of a claim does not mean that there is native title. The fact of a claim does not invalidate somebody doing a lawful act, and the State Government in that instance did lawful acts. Unlike any other State Government, it obtained indemnities from third parties just in case. That is sensible and prudent.

Dr Gallop: Will you read out section 29 of the Native Title Act?

Mr PRINCE: I read it out on the previous occasion.

Mr RIPPER: I shall quote to the minister yet another indemnity agreement. I refer to the indemnity agreement relating to Consolidated Gold.

Mr Bloffwitch interjected.

Mr RIPPER: We will cover all aspects as the debate progresses. I will tell the member for Geraldton what I am against. I am against Governments acting contrary to the law of the land. I am against Governments which do not believe in the rule of law. I am against Governments which believe that the end justifies the means. I am against Governments which say, "The others did it, so it's okay for us." I am against Governments which have no respect for the law. Clause 2(a) of the indemnity agreement relating to Consolidated Gold states -

> applications for determination of native title WC 94/3, WC 95/27 and WC 96/10 are currently pending in the National Native Title Tribunal in respect of the subject land . . .

Again I ask the minister about his statement in the House on 29 October that those matters had been carefully researched and that there were no native title implications. That is to paraphrase his statement. There clearly were native title implications and the proponents were seeking to escape from their obligations under the Commonwealth Native Title Act - the law of the land - and the Government was prepared to offer, on a limited basis, purported exemptions from the law. The minister said that native title claims over freehold would not require section 29 notices under the Native Title Act. The note which the minister has given with regard to the Consolidated Gold project states that in respect of underlying land tenure the application for mining leases was over existing gold mining leases which were granted in 1976 and 1977. It was not freehold; the tenure was a mining lease. The minister was bound by the Native Title Act. That was the law of the land. Section 29 notices should have been issued, but he did not do that. Later I will ask the minister on what basis he extended that favour to some companies and some projects and withheld it from others. He must explain why he purported to exempt some companies and not others.

Mr Prince: I have never exempted anybody.

Mr RIPPER: The minister did exempt them from the law. Why did he mislead the House on Thursday, 29 October?

Mr PRINCE: I did not mislead the House at all.

Mr Ripper: You certainly did.

Mr PRINCE: I did not. I stated exactly what the position was. I have just referred the member for Belmont to a High Court judgment that states how it is done totally lawfully - namely, that because a claim is made, it is not proof of title.

Dr Gallop: That is not what section 29 states.

Mr PRINCE: I will come to that. A registered claim does not constitute a prima facie test, thanks to a decision of a Federal Court judge in South Australia in 1995. It was thought to be a prima facie test, the Native Title Act being mutually contradictory in two sections. However, that was reduced to, "If you get the form filled out correctly, it is to be registered." That is the threshold; there is no threshold. That does not mean there is native title there. Native title depends upon proof of a whole raft of facts and is yet to be determined. There is nothing in the Native Title Act that prevents the State lawfully from dealing with land. Section 29 applies when there is native title on the land. In that instance there is no native title on the land until a court of competent jurisdiction says there is; and there was no such finding and there has not been since. However, notwithstanding all the best evidence and research that we found, just in case someone at some future date finds that there was native title on that land -

Dr Gallop: There is only one problem, minister - you kept it a nice big secret until we got it out of you.

Mr PRINCE: Would the Leader of the Opposition let me finish, please?

Dr Gallop: That is the only problem with your argument, isn't it? It is a nice big secret.

Mr PRINCE: No, it is not. Leader of the Opposition, please!

Dr Gallop: Why did you not come into Parliament and tell us about the indemnity?

Mr PRINCE: Please! There is nothing to prevent this State Government - as Labor and other State Governments did elsewhere - from issuing mining titles, general purpose leases and other forms of tenure over land that is the subject of a claim because a claim is not proof of title. It is not proof that there is native title on that land. It is an entirely proper thing to do, particularly when research has been done and the Government is satisfied on a factual basis that it is unlikely there will ever be a finding of native title. It is particularly relevant in relation to the gas pipeline, the laterals, the BHP plant and so on. What does one do - stop the whole development of this State? I understand that three decisions have been made by the tribunal. We cannot hold things up while we work out how to properly handle this matter. Section 29 of the Native Title Act applies when there is a finding of native title.

Dr Gallop: What? You are wrong.

Mr PRINCE: That is what it does. Go away and read it.

Dr Gallop: That is absolutely and utterly wrong.

Mr PRINCE: Not according to the advice I received.

Dr Gallop: That is absolutely wrong.

Mr PRINCE: It applies when there is affect on native title. There is no native title here, so there is no affect. Therefore, no section 29 notice is required.

To move on to the secrecy that the Leader of the Opposition keeps harping on about, there was no secrecy about the process. Indeed, there was public registration of the leases and it was well known. The fact that the Leader of the Opposition did not know is unfortunate, as far as he is concerned. It is perfectly lawful. Indeed, we protected the interests of the State, if they needed protection, by third party indemnities; and nobody else did.

Dr GALLOP: The minister absolutely staggers me. I will quote from the document that he produced in the Parliament during questions asked on 22 October 1998 on the Titles Validation Amendment Bill. I asked a series of questions and the minister provided written answers which were tabled in this Parliament.

Mr Prince: Yes, I did it.

Dr GALLOP: The minister has just told us in this Parliament that he complied with the Native Title Act in issuing these titles. He just told us that he did not have to issue a section 29 notice in these circumstances. However, look at what he told us on 22 October when asked this question -

> Even once the Government ostensibly started to comply with the Native Title Act, were there any special cases where the Act was not followed?

The answer to that question was yes. The next question was: How many special cases were there and why? The answer to that question was -

> There were 7 instances after 16 March 1995, involving 211 titles, where Cabinet agreed, subject to indemnification by the company, not to apply the Native Title Act.

The minister comes in here today and says that the Government did apply the Native Title Act.

Mr Prince: I said we didn't.

Dr GALLOP: However, on 22 October the minister said he did not apply the Native Title Act.

Mr Prince: I was talking about section 29, which does not have to be used unless native title is found. There was no finding on native title, therefore one does not use it.

Mr Ripper: That is not true.

Mr Prince: I am sorry, it is.

Dr GALLOP: That is why there has been a major debate in our community in the past three or four years about section 29 of the Native Title Act. The minister is out of his depth; he does not know what is going on. He has come into this Parliament with one story last week and another story this week. The truth is that he did not apply the commonwealth law of this country in the State of Western Australia by a conscious decision of the Cabinet. Thus the minister and his colleagues in the Cabinet acted unlawfully and they will be held to account for it.

Mr Prince: You are wrong.

Mr RIPPER: I respond to the minister's extraordinary statement that his Government did not have to apply the law of the land - the commonwealth Native Title Act - if it made a determination that there was no native title involved in the land in question. Section 28 of the commonwealth Native Title Act as it applied at the time reads -

> (1) The act is only valid if:
>
> (a) by the end of the period of 2 months starting when notice is given under section 29, there is no native title party in relation to any of the land or waters that will be affected by the act;

Section 29 reads -

> (l) The Government party must give notice, in accordance with this section, of its intention to do the act. . . .
>
> (2) The Government party must give notice to:
>
> (a) any registered native title body corporate . . . in relation to any of the land or waters that will be affected by the act; . . .
>
> (c) any representative Aboriginal/Torres Strait Islander body in relation to any of the land or waters that will be affected by the act;

It is clear from a reading of the indemnities that the minister, the Government and the proponents knew that they should have been complying with the commonwealth Native Title Act. I will read some of the recitals from the various indemnity agreements. I refer to the indemnity agreement between the Government and St Francis Mining NL relating to the Golden Web project. Recital E says -

> The Lessee has requested the Minister to grant the mining lease without implementation of the "right to negotiate" provisions contained in Part 2, Division 3, Subdivision B of the *Native Title Act*.

Therefore, the mining company and the Government knew what was supposed to happen. However, the company asked the Government to exempt it from the provisions of a commonwealth law which had been found, on a 7:0 decision, to be valid whereas the State's legislation had been found to be invalid.

I refer to the indemnity relating to Consolidated Gold NL. Recital C reads -

> The Lessee has requested the Minister to grant the mining leases without implementation of the "right to negotiate" provisions contained in Part 2, Division 3, Subdivision B of the *Native Title Act.*

Therefore, in that case they knew what situation they were talking about. The minister cannot sustain the argument that the Government has behaved correctly or in accordance with the law of the land. The Government lost a High Court decision. It thought that the end justified the means and the minister went ahead and made decisions which were contrary to the law of the land. Some of those decisions will not be effective in the end. I will refer to that later; however, chickens will be coming home to roost as a result of the Government's cavalier approach.

Ms MacTIERNAN: The minister made the extraordinary statement that native title does not exist until such time as it has been declared by the court to exist. That is to completely misunderstand the notion of native title. If that were the case, we would not have to bother with this principle of extinguishment. It would not exist; it would come into existence only after a court had made a determination. That is nonsense. We know that the whole schema of the High Court decision is that native title always existed and in many areas had never been extinguished, and so was a right that continued.

Mr Prince: And in many areas it had been extinguished.

Ms MacTIERNAN: Yes, but the minister's argument to justify his Government's conduct is that native title came into being only -

Mr Prince: No.

Ms MacTIERNAN: He argued that, because all these people had done was to lodge an application, it was not sufficient to give them native title. He said that their native title does not come into existence until such time as a determination is made. That is clearly wrong. It is certainly true that the mere lodging of an application is not proof positive that native title exists. However, the issue is whether the Government had a right to discard the potentiality of their claims.

I find very curious an issue that has come to the Opposition's attention in some of the indemnity documents. I refer to the BHP DRI documentation. We note that recital C, which has no legal effect, states that the lessee informed the minister that anthropologists commissioned by it had undertaken archeological, anthropological and ethnographic investigations of the subject land and that those investigations did not indicate the existence of native title. It is interesting to refer to the operative section of the contract and the representations made by the lessees. It appears that the lessees did not want to commit themselves to the claims in the recital; they were claiming far less in the legally binding representations. They stated that the lessees represented to the minister and the State that they had carried out inquiries with the National Native Title Tribunal, established pursuant to the Native Title Act, and that at the date of execution of the deed, an application for native title determination in relation to the subject land had not been recorded in the public records maintained by that tribunal as having been lodged with the native title registrar pursuant to the Native Title Act. The lessee had rung the Native Title Tribunal and no name had been put down. That was the extent of the representations the lessees needed to make to satisfy the minister that it was okay to enter into this arrangement. The minister is arguing that the mere fact of a registration with the Native Title Tribunal is not determinative -

Mr Prince: It is not even a threshold.

Ms MacTIERNAN: I agree. On the other hand, according to this BHP agreement, the representation that the Government accepted as sufficient to assure it that native title was not an issue was based on the fact that the lessees had rung the Native Title Tribunal, which stated that no name had been registered. Where is the representation, the additional proof and the commitment by BHP in the operative section of this agreement that it had undertaken these extensive anthropological, archeological and ethnographic searches? Why between the recital and the operative section did that completely disappear? Was that work undertaken? Does the minister have copies? Can he table this?

Dr Gallop: You remind me of a match in 1974 when the English cricket team was being caned by Lillee and Thompson. The English resurrected Colin Cowdrey, who stood in the middle of the WACA while the ball hit him in the chest. He batted for about two hours without getting any runs.

Mr Carpenter: He made 22.

Mr PRINCE: It was a magnificent exercise in courage.

Dr Gallop: You are a good case study in courage: You are defending the indefensible.

Mr PRINCE: The leader should listen for a minute. I listened to members opposite and they should listen to me. There is only one of me and half a dozen members opposite participating in this debate. Two or three claims have been lodged over the metropolitan area covering freehold land. If the Opposition's argument were correct - it is not; it is absurd - any dealing in freehold land would be subject to a section 29 notice. It is clear from the law that one cannot have native title where there is freehold land; it is extinguished. That was made plain in a case out of Darwin dealing with a very early grant of freehold title. The suggestion was that even freehold title did not extinguish native title; it could be suppressed and resurrected and so on. I believe it involved a freehold title that was to be subsumed back to the Crown. The fact is that freehold title extinguishes native title, yet three claims have been lodged over the metropolitan area. If the Opposition's line of reasoning were correct, any dealing in freehold title would require section 29 notices. That is an absurd situation.

A large number of farming properties in the south west are the subject of conditional purchase leases. There has been some concern about whether there can still be native title over exclusive possession and perpetual properties or whether there has been extinguishment. When he introduced the Native Title Bill and subsequently, Mr Keating said that leasehold extinguished native title. He said that consistently and I give him credit for that. He even said it in the preamble to the Native Title Bill.

Ms MacTiernan: He left it to the High Court to make the decision.

Mr PRINCE: He said it consistently. One of these examples involves a mining lease on a mining lease. The mining lease has been there for a long time. If it has extinguished native title, it has extinguished it. There cannot be a mining lease on top of the same thing. There is no effect - nor can there be - on native title; it is simply not possible as a matter of law.

The Opposition referred to a number of other examples. The St Francis Mining issue involves leases granted before the right of access was granted as a statutory right under the Land Act. Those pastoral leases included no right of access for Aboriginal persons. That alone suggests there is almost certainly no native title on those pieces of land, because historically it has been extinguished. We can argue the principle of whether that should be the case, but that is the way in which this law works. Each of these cases must be looked at separately as special cases. What was the situation? What is the evidence? The evidence clearly shows that no finding of native title will be made in respect of these pieces of land. The projects were the HBI, the laterals off the pipeline and a couple of gold mines that were critical at the time. They were important. There were also third party indemnities. New South Wales, Queensland, South Australia and Victoria were issuing titles under their mining legislation.

Several members interjected.

Mr PRINCE: That is not the point. They were issuing mining titles without any thought of the commonwealth Native Title Act, without considering section 29, because they assumed there was no native title. That was it; they did not do any investigation or research; they issued them.

Dr Gallop: You are contradicting your own argument.

Mr PRINCE: I am not.

Mr RIPPER: My colleague, the member for Armadale, has dealt with a case in which the proponents contacted the National Native Title Tribunal and found no claims were registered. That seemed to be sufficient evidence for the Government to decide it could ignore the provisions of the commonwealth Native Title Act. On other occasions, as we found from the indemnity agreements from which I quoted, active native title claims had been registered with the tribunal but the Government ignored the Native Title Act and issued the indemnities. The minister has represented to us in this place that there was no native title involved in this land. We will see what the minister and his government represented to the companies in the indemnity agreements. Clause 2.1 of the indemnity agreement for the goldfields gas pipeline provides that in particular, and without limitation, there have been no representations by the State or the minister or their officers, employees or agencies that a native title does not exist to all or part of the subject land.

The minister said repeatedly in here that the Government had decided there was no native title interest on the land. However, when it came to signing an indemnity agreement with the proponent one of the clauses said no representation was made by the State that native title did not exist. I think the minister makes it up as he goes along. He says one thing for the convenience of the indemnity agreement and one thing for the convenience of the debate in the Parliament.

If the minister's interpretation of the law is correct, he should be tabling the legal advice on which the Government acted. I know the Government maintains a position it does not table legal advice -

Mr Prince: That is a historical principle that all Governments follow.

Mr RIPPER: On this occasion the Government has apparently behaved unlawfully. Given that, the Minister has a duty to Parliament and to the public to table the legal advice on which he has acted. When his party was in opposition, using the numbers, he demanded of the Labor Opposition in the upper House the production of legal advice related to WA Inc matters. It has not been a tradition universally honoured that legal advice is not asked for or provided to the Parliament. When in the view of most of the legal people to whom I have spoken and, on the face of it, any lay person the Government has acted unlawfully, the minister has an obligation to show us the legal advice that justifies his position.

If his interpretation of the law is correct and he does not need to issue a section 29 notice if he thinks no native title interest is involved, how many section 29 notices were issued in these couple of years? Why was it that only these seven projects were not issued with section 29 notices? I think the minister will find that hundreds, possibly thousands, of section 29 notices were issued which makes his interpretation look a bit weak.

Mr PRINCE: My advisers tell me probably in the vicinity of 3 000 section 29 notices were issued.

Mr Ripper: Although 3 000 section 29 notices have been issued, you did not issue them in these seven instances; yet you interpret that as legal?

Mr PRINCE: Of course; for goodness sake, the member for Belmont should listen. Clause 2.1 to which he referred and which in one form or another is in all of these indemnities is there as a result of legal advice. There is no representation being made. The licensee is acknowledging -

Mr Ripper interjected.

Mr PRINCE: I am talking about the deed of indemnity. There is no "representation or warranty made by or on behalf of the State in connection with . . ." as the member for Belmont rightly pointed out. However, in coming to a determination to issue these leases, whether they were general purpose, mining or pipeline leases, each individual case was examined and it was the judgment that it was highly unlikely that any native title would be found. A mining lease on a mining lease is an obvious one.

Ms MacTiernan: What do you mean, no native title claim would be made?

Mr PRINCE: Factually and legally.

Ms MacTiernan interjected.

Mr PRINCE: It was extinguished to the extent to put another mining lease on top of it, not some other form of tenure. I am sure the member for Armadale understands the absurdity of otherwise reasoning. Otherwise we would wind up with a situation in which any dealing in freehold land on which there is a claim across the top, even though it would never be satisfied, would trigger section 29.

Ms MacTiernan: You might have an argument in relation to that, but in relation to the direct reduced iron plant you are claiming that, because that was a prereserved grant of pastoral lease, prior to the time reservations were included there, that was one on which no native title claim would be made.

Mr PRINCE: If there was no other reason.

Ms MacTiernan: The whole Wik case is predicated on the notion that in fact a pastoral lease without a reservation may not extinguish native title.

Mr PRINCE: These are all pre-Wik.

Ms MacTiernan: In Queensland they did not have those reservations. Wik was about a pastoral lease that did not have a reservation.

Mr PRINCE: The law at the time this was done was quite clear as expressed by the then Labor Prime Minister.

Ms MacTiernan: If it was quite clear, why was there a High Court case pending? And it was always said, even by the Labor Prime Minister, that this had to be determined by the High Court. A High Court case was afoot.

Mr PRINCE: Since the 1890s we have had several different types of pastoral leases over the years.

Dr Gallop: We also have different types of executive action.

Mr PRINCE: From 1933 there was a statutory right of access under the Land Act which had been in some leases and not others. The history of each piece of land is relevant.

Ms MacTiernan: You are talking about something about which you say you are certain. You can argue that about a mining lease on a mining lease, but to argue it in relation to a pastoral lease is outrageous.

Mr PRINCE: We have dealt with seven cases because they were of significance in accordance with the development of this State. The HBI plant is the most pre-eminent with $3.5 billion worth of investment and it is the first time we have achieved real secondary processing. Should we have said no and held it up?

Dr Gallop: You should have obeyed the law.

Mr PRINCE: We obeyed the law.

Dr Gallop: You did not obey it.

Mr PRINCE: We looked at that case and issued an appropriate lease. We were sure that no native title could be adversely affected.

Ms MacTiernan: How could you be sure? Was it because they telephoned? All they did was telephone the Native Title Tribunal.

Mr PENDAL: I took part in the debate in 1993 and I spoke and supported the Government on the legislation that it proposed then, based on the assurances received at that time that the extinguishment of native title was being done in accordance with the judgment handed down by the High Court in the middle of 1992. My understanding always was that extinguishment was possible provided things such as just compensation and the Racial Discrimination Act and other things were adhered to. Given that the High Court subsequently struck down that 1993 state legislation, the Deputy Leader of the Opposition's remarks are relevant. I heard him say, and it had been my intention to raise similar queries, that there is an entitlement on

the part of the members of this Chamber to know what is the advice of the Government on this occasion, given that we are being asked to take the Government at its word that this legislation of 1998 will survive. It is capable, as I recall it, of running foul either of the Senate or of a court. Given that we accepted assurances in 1993 that that legislation was capable of surviving the High Court, and given the fact that it was ruled invalid by a factor of 7:0, it is now relevant to ask that the Government table the advice. In other words, we should receive the assurance in committee that we have been given the advice that the Government has received from its own professional officers, not the advice that now appears to have been tainted politically from outside of Parliament. I would be more reassured if I knew that the professional advice of the crown law officers was that this validating legislation, to use the Premier's words, incorporates the federal changes. It has become absolutely vital that we get it correct this time. It would be an unconscionable thing, given that we are removing the rights of certain people, if we are back here in another year, three years or five years with further challenges, or to find that this legislation has been struck down in the meantime. Not only Aboriginal people but also other sectors of our society, including the miners and the pastoralists, are entitled to know that we have it correct this time, because that lack of certainty has been the greatest criticism. That is the reason that the tabling in this case of professional advice from the Government's law officers is absolutely fundamental so we know we are getting it correct.

Mr PRINCE: I am more than happy to offer the member for South Perth a briefing from the officers who have had carriage of this matter for many years. They will be able to answer all of the member's detailed questions. I make one point: We are talking only about the Titles Validation Amendment Bill. Later, we come to other legislation establishing a state commission and so on. When that later legislation is passed here, it must be ratified by the Commonwealth Parliament. This Bill does not require that.

Mr Pendal: I am taking the Premier on his own words. He said, "We now seek to amend the State Act"; that is, the Titles Validation Act. I am not talking about what we will do on Thursday and I am aware that we will be dealing with the new state mechanism on Thursday. The Premier's words were that we were dealing with the Titles Validation Act 1995. He said, "We now seek to amend the State Act to incorporate the Federal changes." I do not want a private briefing from the law officers. I want to know what is the written advice to the Government concerning the strength of this legislation and that it will not end up the same way as the 1993 legislation ended up.

Mr PRINCE: This legislation is made under the provisions of the national Native Title Act as amended by the Wik amendments. The Northern Territory, Queensland and New South Wales have already passed legislation. It is about to go into the Victorian Parliament and it is already in the South Australian Parliament. All of those pieces of legislation and this derive their authority from the amendments to the Native Title Act previously passed by the Commonwealth. This Bill has been looked at by commonwealth officers and this Bill complies. It validates titles that were issued in this State from January 1994 to December 1996 and that is the same situation as it has been in the other States for a long time.

Mr Pendal: That is not what I am asking.

Mr PRINCE: I know. I abide by the convention of this Chamber. I appreciate what the member for Belmont said about the other place and when the Opposition was in government and so on. The convention is that legal advice is not tabled in this Chamber. In any event, I do not have it to table.

Mr Pendal: It is no more than that - a convention.

Mr PRINCE: I understand it to be.

Mr Pendal: We have a whole system that could collapse under its own weight if this Chamber makes the same errors this time as were made in 1993. I was part of the 1993 era.

Mr PRINCE: The member can debate that it was an error.

Mr Pendal: The High Court decided that it was an error.

Mr PRINCE: The High Court stated that there cannot be two complete codes dealing with one area of law in federal and state legislation because the Constitution states that in such cases the commonwealth Act will be superior, and that is what happened.

Mr Pendal: The High Court stated 7:0 that we were wrong.

Mr PRINCE: No. That is its view and it is not correct. This Titles Validation Amendment Bill deals with the acts that were done in that period up to December 1996 which for the purpose of certainty should be made unequivocal and certain, and that has been done or is in the process of being done across the whole of Australia. From March 1995 to December 1996 seven were dealt with in this special way and each of them is individual and distinguishable. They deal with things such as the HBI plant and some of the laterals on the pipeline, and gold mining matters that simply had to proceed. Each of them is distinguishable as a special and separate case. While it is interesting to debate, it does not progress this Bill any further.

Mr PENDAL: I know the difference between today's Bill and what we will discuss on Thursday, namely the Native Title

(State Provisions) Bill. When we discuss that Bill, my understanding is that the burden of that is the question of a state mechanism to deal with matters that up until now have been dealt with by the Native Title Tribunal and other things.

Mr Prince: Effectively.

Mr PENDAL: I want to put that aside. I want to go back to what the Premier said in an otherwise fairly perfunctory second reading speech. He said -

> The amendments to the Native Title Act provide that the validation of those intermediate period acts is done by States in the same way that the Native Title Act of 1993 allowed for the validation of past acts done prior to the implementation of that Act. This Parliament passed the Titles Validation Act in 1995 in response to the Native Title Act 1993.

That is the federal Act. To continue -

> We now seek to amend the State Act to incorporate the Federal changes.

I presume the Premier is referring to the Titles Validation Act, so I am not mixing up these Acts. How do we know that the legal advice given - not by outsiders or by people who may have a political axe to grind - by Crown Law to the State Government to the effect that the Bill incorporates the federal changes, does in fact incorporate them? I accepted at face value the advice that was given five years ago that what we were doing was based on the professional advice of government. However, it turned out that was not the case and it was very much an outside piece of advice. I am not demeaning that advice. I am simply saying that it was not professional advice derived internally from Crown Law.

The second matter that I do not understand may have been mentioned or tied in with the section 29 applications, and if it is I have misunderstood the issue. How many titles issued from January 1994 to December 1996 will this legislation validate? None of my research indicates that anyone has come up with a figure.

The third matter touches on that part of clause 7 that will be picked up by proposed new section 12G, "Compensation". I am aware from a previous question raised by the member for Belmont during the second reading debate, which was not answered, that proposed new section 12G will make the State liable for every dollar of compensation as a result of the Titles Validation Act. Is that open-ended; is it $1m, $5m, $500m or $ 1 000m?

Those three matters are crucial. They are pragmatic issues. The fundamental issue we should be addressing in this legislation is whether we will get it right this time, so that we do not come back in the future and take rights away from Aboriginal people or, for that matter, from other people who believe they have been given them in the past six years.

Mr PRINCE: I have provided the member for South Perth with the questions and answers that were raised on 29 October, which in part answer some of the matters raised. In the intervening period from January 1994 to December 1996 there were 5 434 mining titles issued and 10 944 transactions in the Department of Land Administration. It is not that those titles are invalid, simply that they were granted in that period. I hark back to the illustration about claims over freehold land in the metropolitan area. In many cases there is no doubt about their validity. Even outside the metropolitan area, in particular, forms of leasehold that are exclusive in their possession and include perpetual leases, special industrial leases that are found in the south west industrial areas, conditional purchase leases and so on, have been dealt with in one form or another, so there is no question about validity. However, this legislation puts it totally beyond question.

Mr Pendal: They could potentially be invalid.

Mr PRINCE: We cannot put it any more strongly than that. The original Titles Validation Bill in 1995 was to validate titles that had been granted prior to January 1994. Again, similar legislation was passed in all other States to validate titles that had been issued from the passing of the Racial Discrimination Act in 1975 to January 1994, because it was fair, reasonable, equitable and just that that be done - except perhaps in this State. What happened between January 1994 and the Wik decision in December 1996 was that all jurisdictions around Australia assumed that leasehold title extinguished native title and they carried on issuing titles. They have validated, or are in the process of validating, these titles, as we seek to do in this legislation. It has the precedent effect of having been passed in other Parliaments in recent months, it has been checked by commonwealth officers and the WA Solicitor General, and it was drafted by the WA parliamentary counsel. That is the process that has put it before this Chamber. Insofar as one can ever say something is certain, this is it.

The mining industry in its most recent public pronouncement in the past week or 10 days understands that this will give certainty to titles that were granted in that intervening period from January 1994 to December 1996. The industry seeks certainty. During the period there were seven special cases which are all separate and which led to 211 titles. Of those 211 titles, 195 related to the hot briquetted iron plant. The project should go ahead, and in the judgment of those who looked at it there is no likelihood of native title being found. The result is that with indemnities from the Broken Hill Proprietary Co Ltd, titles are issued and the process is complete and the HBI plant goes ahead. No other State dealing with anything of that nature thought it proper, appropriate or prudent to obtain an indemnity, but Western Australia did, even though we thought there was no likelihood of native title being found. There was no representation to that effect as a matter of law.

The deeds of indemnity are clear. The titles have been issued and the project has gone ahead. That is the crux of it. It has not been a cavalier disregard of the law; it has been done according to the law.

Mr PENDAL: In the briefings on this, one word has been added to my vocabulary. I asked the people concerned about the "complementariness" of this and I was corrected, "You must mean complementarity". I have just turned 51 years of age, and it was the first time I had heard that flash word. I now address the matter of complementarity. Surely, if we are dealing with complementary state-commonwealth legislation, a check list must apply at officer level. They must be able to say, "There is our legislation and you blokes by law must conform to it." In this case, the Western Australian officers must sit alongside and say, "Okay we must now ensure we have complementarity." Surely it is possible to say in this Committee that this measure has passed through the obstacle course of the check list. When I refer to officer level, I mean those involved in the administration of land title and those at Crown Law level. Have they said to their commonwealth counterparts that the legislation to enter the WA Parliament in November 1998 is complementary to the legislation which passed through the Federal Parliament? If it is not possible to state that, we may be back here next year doing what we thought we would never do as a result of the 1993 Bill.

Mr Ripper: You're right; we might have to come back.

Mr Kierath: It's part of our job.

Mr PENDAL: The essential ingredient of our job is to get it right today, and not to say that if we get it a bit wrong today, we can come back in a couple of years' time.

Mr Kierath: If you think every piece of legislation introduced in here will never be changed, you are kidding yourself!

Mr PENDAL: Obviously, the minister did not listen to what I said.

Mr Kierath: I did not say that. Do not put words in my mouth.

Mr PENDAL: I do not know why the minister got out of bed on the wrong side today; however, he should keep out of this debate until he has picked up it nuances.

We are proceeding down the same path as we followed in 1993. However, at least some of us went down that path in 1993 in good faith. I do not want to go down that 1993 path today with a lack of good faith, as indicated in the comments of the Minister for Planning. One way to obviate that possibility is for the minister handling the Bill to say that it has passed a ticking process and been through the process of complementarity. He can then say that, as best as one can in the circumstances, we assured ourselves at officer level that what we are doing today will pass the test and will not be knocked out by the Senate, the Federal Court or the High Court.

Mr Trenorden: You must agree that the goal posts are moving all the time.

Mr PENDAL: I am not disputing that. However, it is in the Government's province to say, "There is our legal advice." Parliament can then judge where the legal advice is coming from. If it is coming from Crown Law, or from the private sector on behalf of Crown Law, I will accept that. However, we do not have that assurance at the moment.

Mr PRINCE: The member can be assured that the ticking process he described has been taking place in great detail for a long time. The officer on my right has been to Canberra and back more times than he can remember. This measure has been subjected to a truly exhaustive process. We are absolutely confident that what is being done is approved by the commonwealth authorities, the Solicitor General and parliamentary counsel. It is also in accordance with the empowerment contained in the national Native Title Act, as amended by the so-called Wik amendments.

Dr Gallop: Will you be willing to table correspondence to that effect?

Mr PRINCE: I do not know - I can ask.

Dr GALLOP: The minister just said that he was absolutely confident; surely he can table that correspondence.

I return to the validation Bill before us tonight and indicate why the seven cases and 211 titles are very important. People in the community regard knowledge of their entitlements as very important. I remember a couple of years ago a major change being made to the Western Australian Government employees superannuation scheme, and a time line applied within which people had to register to enter the new scheme. Unfortunately, a number of people were away on holidays at the time. When they returned, they discovered that they had not met the time lines involved. Many people then made representations to the Government and members of Parliament stating that they did not know about the changes and wanted to apply, but had to adhere to that framework.

Knowing whether people's rights are affected is a very important matter. People sometimes do not know whether their rights are affected. This leads me to the importance of notification; namely, it sets up a process by which people whose rights might be affected are alerted to the fact.

Mr Prince: People who may have rights.

Dr GALLOP: In either case, people need to know about it. That is why section 29 of the Native Title Act was enacted. Prior to its amendment, section 29 required the Government within two months of the notice being given to give notice to the native title parties and the public; and a party included those who became a native title claimant, or a corporate body which became a native title corporate body. Putting out those notices to the public and the native title parties allowed someone's rights to be properly processed.

The Government of Western Australia obviously thinks that these rights are not particularly important. In these seven cases it made a decision not to issue notices. The Government took a calculated risk which had the potential to affect the interests and right of people in our community. That decision was made in certain ways: First, it was a deliberate decision of the Government which contrasted with what it was doing in other cases. That is crucial. The minister told us that literally thousands of section 29 notices were issued in Western Australia concerning the Native Title Act. However, in seven cases involving 211 titles the Government chose not to issue notices. Therefore, the seven cases are different from all others.

A problem arises there. The executive arm of government favoured some people over others. The only justifiable reason for doing so was that those cases were important. The Government made a conscious decision to go around the law. All the minister's mumbo jumbo tonight that it was according to the law is irrelevant. Second, it was secret, which indicates that the Government's intention was not honourable - it was not acting in good faith. Debate about some of these issues in Queensland and New South Wales was public and open, and a decision was made by those Governments concerning many titles about which everyone knew. When the Wik decision was made, those Governments moved to validate. It was a case of uncertainty, it was a public decision and everyone knew about it, and it was patched up after the event. In this case, it was secret and deliberate. That is why it is significantly different from what happened in the other States.

We have heard all of this mumbo jumbo from the minister that the Government was not avoiding the consequences of the law and that everything the Government did was within the framework of the law. That is nonsense. The Government deliberately avoided the commonwealth Native Title Act because it feared that by giving notification, somebody's interests or rights might surface and would come to play in those projects. In the mind of the Government of Western Australia, bad luck to any of those potential native title holders: Their rights and interests do not matter in those seven projects.

Mr PRINCE: I refute what the Leader of the Opposition has said. There was no secrecy about this. The licences were issued, they were on the public register, and every one of them had an endorsement on it. Nobody else did that, particularly not the Labor Government in New South Wales. It did not do that; we did. It was done after careful consideration, and in the interests of the development of this State - things such as the HBI plant, and the goldfields gas pipeline, which members opposite could not get up in a fit. These things were done within the law.

Mr RIPPER: At the beginning of this debate, the minister quoted some extracts from a judgment in the case of Fejo v Northern Territory of Australia. I have looked at the extracts that the minister quoted, and I do not think they bolster his argument at all. The minister argued that what he quoted was an indication that people could avoid the Native Title Act.

Mr Prince: I did not say that. You were arguing the proposition that nothing can be done. I am saying that you can -

Mr RIPPER: It states that some acts that may look like future acts are not necessarily future acts from the point of view of the native title legislation, and that some permissible future acts which instigate the right to negotiate affect native title only in certain conditions. Nothing in the extracts that the minister quoted gives people permission to say that they can ignore the basic notification procedures to protect people's rights under section 29 of the Native Title Act. The minister's claim that the Government does not need to issue section 29 notices is given the lie by the thousands of other section 29 notices that have been issued. The minister can talk about freehold land in the Perth metropolitan area not needing a section 29 notice, but we know that in these seven instances we are talking about mining projects, where, of course, section 29 notices would need to be issued.

Mr Prince: Absolute nonsense!

Mr RIPPER: Does the minister not think that in most of the mining areas of Western Australia that are not the subject of a freehold, it is necessary to issue a section 29 notice if someone wants a mining lease or a mining project?

Mr Prince: If you put a mining lease on top of a mining lease, you are not affecting native title by a future act, because there is no native title to affect. You are putting the same tenure on top of it.

Mr RIPPER: What if the mining lease is no longer being operated? This is not a matter which should be determined by the State Government. The law states that a section 29 notice shall be issued, and it is determined under the provisions of the commonwealth Native Title Act. It is not determined by the State Government deciding that the end justifies the means, that this is a special case and it does not think native title applies. The Government has an indemnity with the proponents. The very fact that it thought it needed an indemnity shows the extraordinary nature of these procedures. The Government would not have bothered to get an indemnity if it thought that what it was doing was totally above board and legal.

I will quote now from a judgment by Justice Brennan in the case of A. v Hayden in 1984, which states -

> The incapacity of the Executive Government to dispense its servants from obedience to laws made by Parliament is the cornerstone of a parliamentary democracy. A prerogative to dispense from the laws was exercised by mediaeval kings, but it was a prerogative "replete with absurdity, and might be converted to the most dangerous purposes".

That quote is taken from Chitty, *Prerogatives of the Crown*, 1820, page 95. The judgment states also -

> This is no obsolete rule; the principle is fundamental to our law, though it seems sometimes to be forgotten when Executive Governments or their agencies are fettered or frustrated by laws which affect the fulfilment of their policies.

That is a very accurate description of the way in which the executive Government of Western Australia felt about the commonwealth Native Title Act. That does not mean that the executive Government of Western Australia had the capacity to say in seven instances, but not in thousands of others, "We do not need to abide by the law of the land. We do not need to issue section 29 notices. We will issue titles without regard for the procedures of the commonwealth Native Title Act."

Mr PRINCE: The member for Belmont's argument is absurd, for this reason: Section 29 deals with a future act that will affect native title. If a mining lease is in existence and another one is put on top of it, it does not affect native title, because it is exactly the same tenure, one on top of the other. All of these cases have similar circumstances, where there is no possibility that a judgment of the day will say there may be an effect on future native title. All of the projects were of great significance to this State, and after careful consideration, within the law, and with endorsements on the leases, they were issued; and just to make absolutely certain from the point of view of the State, indemnities were sought and given. Would the companies have given those indemnities if they were not sure of themselves? We are talking about seven instances: The HBI plant, the goldfields gas pipeline, and a couple of mines.

Mr Carpenter: You keep saying one mining lease on top of another.

Mr PRINCE: That is one of them.

Mr Carpenter: A minute ago you said that it was all of them.

Mr PRINCE: I said that is one of them. I am sorry if the member for Willagee misheard. In each of these instances, there are special circumstances and a special case. The member for Belmont's argument is wrong in law, it is wrong in principle, and it is absurd.

Mr CARPENTER: I have not misheard, but I do find some of the things the minister has told the Parliament to be, on the face of it anyway, contradictory. The minister said last week, "We carefully researched whether there could be any form of adverse effect on any native title and concluded there was not." I assumed that there was not in any of these cases a claim for native title. Today for the first time the Parliament has been told that there are claims for native title over a couple of these projects.

Mr Prince: Some, not all.

Mr CARPENTER: The minister did not tell us that last week when he said he had carefully researched the matter.

Mr Prince: Do you accept the argument that a claim is not a title?

Mr CARPENTER: I accept that a claim is not necessarily a title, but I also accept the likelihood that many claims will end up proving to be valid and will result in a native title determination. The minister's version last week basically precluded that. The minister said that the Government researched whether there could be any form of adverse effect on any native title and concluded on the advice given that it was highly unlikely that there was any native title. I have listened to the argument today, I understand the consistency the minister finds in it, and I ask the minister to outline the steps taken and the research carried out which indicated to the Government that there was no native title on these leases. If the minister cannot do that, it will expose him for what he is.

Mr PRINCE: In a sense it varies from one to another. The easiest one to explain is the mining lease on which another mining lease was put, because it is obvious and apparent on the face of that. Whether or not there is a claim on the land, one tenure is placed on top of another tenure that is exactly the same. Therefore, it is not a future act in the sense of having any effect on native title. No native title had been found on any of these areas when it was done, nor since to my knowledge. Each of the others has a distinguishing characteristic of that nature, which indicates as a matter of law, history, or examination that in the judgment of the day there was no likelihood of native title being found on that land.

Mr Carpenter: I have asked this question several times by interjection and you have come up with only one case involving a title on a title. Tell us about the other six cases. Where is the research that shows native title is unlikely?

Mr PRINCE: With regard to the DRI plant, which I trust the member will accept is a very significant undertaking -

Mr Carpenter: I asked you to tell us what research was carried out.

Mr PRINCE: It is a very significant undertaking, and the member cannot bring himself to say that.

Mr Carpenter: I acknowledge that it is a very significant undertaking. Tell us about the research.

Mr PRINCE: General purpose leases. The recital to the deed states that the lessee has informed the minister that anthropologists and so forth. It then deals with the general purpose leases and the representations by the lessee. There were no representations by the State in relation to this matter. It includes a waiver and release and so on.

Mr Carpenter: Did the State do any research on that one?

Mr PRINCE: This document tells us that there is no evidence of any native title. Therefore, there is no future act. It was done within the law. Everywhere else throughout Australia we issued 195 general purpose leases to enable the DRI plant to proceed. It was not on the intertidal zone either. I hope the member for Belmont understood that in relation to the further answers given.

Mr Ripper: Any on vacant crown land?

Mr PRINCE: None. In relation to this project, did the member want us to sit and wait?

Dr Gallop: For two months?

Mr PRINCE: Come off it; it is more like two years.

Dr Gallop: Is that why you did it? It had nothing to do with the right to negotiate, and everything to do with the Government wanting to break the law to get the project up.

Mr PRINCE: No, there was no question of breaking the law. It is the biggest industrial project ever seen in this State, worth $3.5b.

Dr Gallop: It is called the end justifying the means.

Mr PRINCE: No it is not; it is called the interests of the State.

Ms MacTiernan: That research set out in the recital - did you get any copies of it?

Mr PRINCE: At this stage I cannot tell the member.

Ms MacTiernan: Can you explain why those representations made in the recital are not repeated in the text of the agreement?

Mr PRINCE: No, I cannot. I did not draw the deed and the member will understand that.

Ms MacTiernan: Presumably you have done some investigations to prepare yourself for this debate.

Mr PRINCE: Some investigations.

Mr CARPENTER: I ask the minister to place on the public record one example, apart from the one title he has mentioned where there was a title on a title. The minister mentioned the BHP plant and said it was the biggest industrial project in this State.

Dr Gallop: I do not accept that.

Mr Prince: All right, in recent times.

Mr CARPENTER: Even in that case, the project operators would have had an interest in demonstrating that there was no native title, but the State may have had an interest in carrying out basic research to make sure. So far, the minister has given only one case which he feels proves the point. However, he told the Parliament on Thursday, 29 October that the Government had carefully researched whether there could be any form of adverse effect on native title. I have asked the minister to go through it step by step, indicating what research proved that to be the case. He has not given the answer. What research did the State do to indicate to the minister's satisfaction that no native title would be proven on these seven projects involving 211 titles?

Dr GALLOP: I note that in the following recitals for BHP's DRI project on page 2, Consolidated Gold on page 2, Chalice on page 3, the Golden Web project on page 2 and the Kookynie Gold project on page 2 it states that the lessee or applicants have requested the minister to grant the mining leases without implementation of the "right to negotiate" provisions contained in part 2, division 3, subdivision B of the Native Title Act.

In other words, they go to the minister with respect to these provisions in the Act asking for a mining lease without implementation of those provisions. Why would those developers have raised the issue of right to negotiate with respect to those projects? If they raised those issues, perhaps they were concerned that there was some interest that might be activated and would require some negotiation. That comes back to the question raised by the member for Willagee of the research the Government did on this matter. Alternatively, did it do something because the companies wanted it with respect to these projects? There is an important difference between the two approaches. In one case the State is taking a calculated risk on the basis of pulling all the evidence together, and in the other the State is taking action because a private interest wants it to go ahead and there may be a problem with the project. These are two different scenarios. The Government is suggesting that it was the second scenario and not the first. In that case, why did it apply to these seven projects and not thousands of others? Are there two types of citizens in this State, some who receive special privileges from the Government and others who do not? There are many unanswered questions in relation to this issue. The bottom line is whether the State of Western Australia has conducted itself in the manner that is expected of it; that is, with respect for the law - in this case commonwealth law - and by making sure it applies due diligence in relation to the issues before it.

Mr RIPPER: I bring the minister back to the provisions of the commonwealth Native Title Act which were in force at the time the 211 titles were issued. Section 26 of that Act provides that the subdivision applies if the Commonwealth, a State or a Territory proposes at any time after the commencement of this subdivision to do any permissible future act governed by subsection (2) in relation to an onshore place. Subsection (2)(a) states -

> the creation of a right to mine, whether by the grant of a mining lease or otherwise . . .

Section 28 (1) states -

> The act is only valid if . . .

and then it lists a series of conditions that must be met for the act to be valid. The first is that if -

> by the end of the period of 2 months starting when notice is given under section 29, there is no native title party in relation to any of the land or waters that will be affected by the act . . .

Section 29(1) states -

> The Government party must give notice, in accordance with this section, of its intention to do the act.

In response to those sections of the commonwealth Native Title Act, which seem clear, the minister has asserted over and again that if the State itself forms the judgment that no native title rights will be affected or that no native title rights will apply, he can go ahead and ignore the provisions of the commonwealth Native Title Act. I want the minister to point to the provisions of the commonwealth Native Title Act which give him that right. So far he has made just a general assertion. Why does he not show us where in the Native Title Act the State Government was authorised to act as it did?

Mr PRINCE: I should have thought that it was clear that the State Government could and did act. The Native Title Act states that notwithstanding that someone has done something he thinks he should have done and he thinks he is right, but subsequently at some stage is found to be wrong, insofar as that is concerned it might be invalid. There is no prohibition on the issue of title in the commonwealth Native Title Act. The decision of the Full Bench of the High Court in Fejo v Northern Territory of Australia confirms what we clearly understood the law to be anyway; namely, that it deals with the consequences of conduct, not the conduct itself. Can the member for Belmont understand the difference now?

Mr Ripper: Section 29(1) states -

> The Government party must give notice, in accordance with this section, of its intention to do the act.

Why is that?

Mr PRINCE: The member for Belmont is talking about permissible future acts. In such instances, companies say, "We want to get on; this is the evidence that we have; we do our own research, tenure histories and so on." The conclusion is that there is no likelihood of native title being found. There is no prohibition on the issue of a lease.

Dr Gallop: If a notice had been issued, it would not have mattered.

Mr PRINCE: But the process, two years on, does not produce anything. There is no prohibition on the issue of the lease. The leases are issued with an endorsement - a public document. It was not a secret.

Dr Gallop: It was a secret.

Mr PRINCE: It was not a secret; it was well known. Furthermore, to make absolutely certain for the purposes of the protection of the State, there are the indemnities. Is the member seriously suggesting that those seven projects should not have gone ahead? That is what would have happened. If we take his line of reasoning, that is what should have happened, but they would not have gone ahead.

Mr Ripper: Should the Government have broken the law even if the end justified the means?

Mr PRINCE: It did not break the law; that is the whole point. The member misinterprets and misunderstands the law as being a prohibition against doing anything unless something happens. That is not the way the Native Title Act is to be read.

Mr Ripper: If you think you obeyed the law, why don't you table the legal advice? If we see the legal advice from the state law authorities that demonstrates that you behaved according to the law, you might be able to convince us.

Mr PRINCE: I doubt it. Opposition members already have a fixed view in their minds and they will not shift from it.

Mr Ripper: If I see legal advice from the Crown Solicitor, I will be prepared to change my mind.

Mr PRINCE: How very generous! Is that the same as the undertaking to have this matter completed tonight, on which the Opposition has reneged?

Mr Ripper: We might hear from the Acting Leader of the House.

Mr Cowan: We made it clear that, given the amount of time taken for the Local Government Amendment Bill (No 2), we would not hold opposition members to that undertaking provided we could finish this matter tomorrow. That would suit me. If members want to report progress, they may do so.

Mr PRINCE: The member for Belmont nodded. He agrees that we will finish it tomorrow.

Mr RIPPER: Of course we will finish it tomorrow, but I hope that the Government does not bring it on at 10.55 am tomorrow and expect us to finish it at 11.00 am. If it comes on when Parliament starts tomorrow, I am quite sure that it will be finished tomorrow.

Progress reported.

House adjourned at 11.06 pm

QUESTIONS ON NOTICE

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

VICTORIA QUAY REDEVELOPMENT

9. Ms MacTIERNAN to the Premier:

(1) Did the Government invite five architects to compete in drafting a master plan for the redevelopment of the Western End of Victoria Quay?

(2) If yes, will the public be able to view the other drafts during the consultation phase that is currently being undertaken?

Mr COURT replied:

(1) No. In response to an advertisement in the West Australian (Tenders Section) on 22 November 1997, a total of thirteen submissions were received from consultants to prepare a draft masterplan for the western end of Victoria Quay. These respondents were shortlisted and three firms were invited to make a brief presentation to the Selection Panel. Following that process, the firm of Cox Howlett & Bailey was selected to prepare the draft masterplan.

(2) Not applicable.

ALBANY RING ROAD

Increase in Cost

269. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Albany Highway - Albany Ring Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $8.008 million.

(b) $18.824 million.

(c) Revision of the original estimate which was based on a 1994 concept plan together with the need to modify the alignment following extensive public and industry consultation which increased the length of the works by three kilometres and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

ALBANY HIGHWAY, BEDFORDALE HILL

Increase in Cost

270. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Albany Highway - Bedfordale Hill -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $15.542 million.

(b) $21.826 million.

(c) The estimate for 1997/98 was based on the original concept plan whereas the estimate for 1998/99 is based on the detailed design which is a more precise measure of the works involved and takes into account scope changes and additional land acquisition. Details of the major items that make up the changes are as follows:

An arrester bed	$0.9 million.
Land Acquisition	$0.5 million.
Roadworks	$3.9 million.
Corporate Overheads	$1.0 million.

(d) The contractor involved is Henry Walker Contracting Pty Ltd and work is still in progress.

(e) Halpern, Glick, Maunsell Pty Ltd.

ALBANY HIGHWAY, KOJONUP-MT BARKER

Increase in Cost

271. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Albany Highway - Kojonup-Mt Barker -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $4.229 million.

(b) $37.370 million.

(c) A significant change in the original scope of the project and the inclusion of corporate overheads. The original scope only allowed for relatively minor upgrading works whereas it is now proposed to reconstruct and widen 49.3 kilometres.

(d) Three passing lanes have been constructed by Main Roads. No other contracts have been awarded as yet.

(e) Main Roads.

LAKE GRACE ROAD

Increase in Cost

272. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Albany Highway - Lake Grace Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $4.204 million.

(b) $22.155 million.

(c) A significant change in the scope of the works. This now provides for the reconstruction and widening of 58 kilometres of narrow seal and for the inclusion of corporate overheads. The original scope provided for the reconstruction of the junction with the Broomehill to Jerramungup Road, provision of passing lanes and some reconstruction and widening works.

(d)-(e) Not applicable, as the contract has not yet been awarded.

BINDOON-MOGUMBER ROAD

Increase in Cost

273. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Bindoon-Moora Road - Bindoon-Mogumber -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $7.606 million.

(b) $10.947 million.

(c) Revised estimates following more detailed planning and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

BUSSELL HIGHWAY, BUSSELTON-CAVES ROAD

Increase in Cost

274. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Bussell Highway - Busselton-Caves Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $4.264 million.

(b) $5.775 million.

(c) Higher than originally estimated service relocation costs and land acquisition costs and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

BUSSELL HIGHWAY, CAPEL-BUSSELTON

Increase in Cost

275. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Bussell Highway - Capel-Busselton -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $27.308 million.

(b) $46.726 million.

(c) Additional work including the Ludlow Deviation, increased roadworks, land acquisition and service relocation costs for the Sabina to Busselton section and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

CARNARVON-MULLEWA ROAD

Increase in Cost

276. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Carnarvon - Mullewa Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $12.360 million.

(b) $15.621 million.

(c) Extending the sealing work by 23 kilometres and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the works have not yet started.

GRAHAM FARMER HIGHWAY

Increase in Cost

277. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of City Northern Bypass - Graham Farmer Highway -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $370.927 million.

(b) $406.897 million.

(c) Some increase in costs for land and works but mainly from the inclusion of corporate overheads. Details of these costs were provided to the member by the then Minister for Transport, Hon Eric Charlton, MLC, in his letter dated July 14 1998.

(d) The Graham Farmer Freeway is being constructed in two stages. Baulderstone Clough Joint Venture is constructing stage one and Transfield Theiss Joint Venture is constructing stage two.

(e) Main Roads.

GERALDTON-MT MAGNET ROAD

Increase in Cost

278. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Geraldton - Mt Magnet Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $3.849 million Greenough and Mullewa Shires.
$3.427 million Mullewa to Yalgoo.

(b) $9.921 million Greenough and Mullewa Shires.
$4.860 million Mullewa to Yalgoo.

(c) Revised estimates following detailed planning and design together within the inclusion of corporate overheads.

(d) Greenough and Mullewa Shires - The first section has been undertaken by Main Roads. Contracts have not been awarded for other sections. Mullewa to Yalgoo - The first section has been undertaken by Main Roads and the final section was undertaken by MacMahon Contractors.

(e) Greenough and Mullewa Shires - Main Roads.
Mullewa to Yalgoo - Stage One - Main Roads, Stage Two - CMPS&F Pty Ltd.

GREAT EASTERN HIGHWAY, NORTHAM BYPASS

Increase in Cost

279. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Great Eastern Highway - Northam Bypass -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $42.148 million.

(b) $46.919 million.

(c) Minor scope changes and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

GREAT NORTHERN HIGHWAY, KARALUNDI

Increase in Cost

280. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Great Northern Highway - Karalundi -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $10.754 million.

(b) $13.343 million.

(c) Revised estimates following a scope review and assessment of maintenance requirements and the inclusion of corporate overheads.

(d) BGC Contracting.

(e) Main Roads.

KARIJINI EAST-WEST LINK ROAD

Increase in Cost

281. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Karijini East - West Link Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $34.434 million.

(b) $39.127 million.

(c) The need to excavate more rock than initially estimated, increased culverting costs and the inclusion of corporate overheads.

(d) The Karijini East - West Link Road was constructed in four sections. Two sections were constructed by Main Roads and two by Henry Walker Contracting Pty Ltd.

(e) Main Roads.

MARBLE BAR-SHAW RIVER ROAD

Increase in Cost

282. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Marble Bar Road - Marble Bar - Shaw River -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $29.166 million.

(b) $42.238 million.

(c) Increased scope including construction and sealing of the section from Marble Bar intersection to Ripon Hill Road intersection and the inclusion of corporate overheads.

(d) The works to date have been constructed by Main Roads, CSR and Henry Walker Contracting Pty Ltd.

(e) Main Roads.

BEENUP AND JANGARDUP MINERAL SANDS PROJECT

Increase in Cost of Road

283. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Mineral Sands Project - Beenup and Jangardup -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $56.240 million.

(b) $63.103 million.

(c) Large quantities of unsuitable material, refinements to design to enhance serviceability and safety, impact on local road network from construction traffic and the inclusion of corporate overheads.

(d) The project has been constructed by:

-	Sanson & Sabina Section	MacMahon Contractors (WA) Pty Ltd.
-	Sues Road Section	Henry Walker Contracting Pty Ltd.
-	Stewart Road	Main Roads.
-	Brockman Highway East	Main Roads.
-	Brockman Highway West	Main Roads.
-	Scott River Road	Main Roads.

(e) Main Roads.

MINILYA-EXMOUTH ROAD

Increase in Cost

284. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Minilya-Exmouth Road - over Lyndon Bridge -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $2.477 million.

(b) $4.564 million.

(c) Revised estimates following detailed planning and design and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

MITCHELL FREEWAY, LOFTUS STREET

Increase in Cost

285. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Mitchell Freeway - Loftus Street -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $16.304 million.

(b) $20.883 million.

(c) Additional land costs and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

MUIRS ROAD, WILGARRUP

Increase in Cost

286. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Muirs Road - Wilgarrup -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $4.195 million.

(b) $12.127 million.

(c) The scope of the work increased to include construction of the Wilgarrup Deviation, a revision of construction cost estimates and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

NORTH WEST COASTAL HIGHWAY, KARRATHA-ROEBOURNE

Increase in Cost

287. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of North West Coastal Highway - Karratha-Roebourne -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $1.410 million.

(b) $3.394 million.

(c) Scope changes to include the construction of an additional bridge at Unnamed Creek, strengthening of the Yule River bridge and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

ORD FARM ROAD, WYNDHAM

Increase in Cost

288. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Ord Farm Roads - Wyndham -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $11.369 million.

(b) $44.994 million.

(c) The inclusion of Stage Two works which will upgrade and seal Knox Plain, Parry Creek, Carlton Plain, Weaber Plain and Keep Plain Roads. Scope changes in Stage One works requiring thicker pavements than initially planned and the inclusion of corporate overheads.

(d) Stage One was constructed by J J McDonald & Sons Engineering Pty Ltd. Stage Two has not yet started.

(e) Stage One, Gutteridge, Haskins & Davey Pty Ltd.

PEEL-BUNBURY OUTER RING ROAD

Increase in Cost

289. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Perth-Bunbury Highway - Peel-Bunbury Outer Ring Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $67.851 million.

(b) $92.104 million.

(c) The addition of the Dawesville to Lake Clifton section including the construction of the 22.8 kilometres of second carriageway, the realignment of seven kilometres of the existing road and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

PORT GREGORY-KALBARRI ROAD

Increase in Cost

290. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Port Gregory - Kalbarri Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $10.201 million.

(b) $13.922 million.

(c) Additional construction and sealing works on the Spur Roads from the new road into scenic coastal attractions within Kalbarri National Park, a scope change to include final sealing and the inclusion of corporate overheads.

(d) Stage one was constructed by Boral Contracting Pty Ltd. Stage two was constructed by Main Roads.

(e) Stage one - Gutteridge Haskins and Davey Pty Ltd. Stage two - Main Roads.

REID HIGHWAY, MARMION AVENUE-ROE HIGHWAY

Increase in Cost

291. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Reid Highway - Marmion Avenue-Roe Highway -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $74.328 million.

(b) $103.707 million.

(c) Inclusion of interchanges at Alexander Drive and Mirrabooka Avenue, planning study for stage four (Erindale Road to Marmion Avenue) and the inclusion of corporate overheads.

(d) Stages one, two and three have been constructed by Highway Constructions and the section from Wanneroo Road to Erindale Road by Transfield Construction. The remaining works have not yet started.

(e) Main Roads.

RIPON HILLS ROAD

Increase in Cost

292. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Ripon Hills -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $45.871 million.

(b) $56.203 million.

(c) Revised estimates following more detailed planning and the inclusion of corporate overheads.

(d) Stage one was constructed by Henry Walker Contracting Pty Ltd. Stage two has not yet started.

(e) Main Roads.

ROE HIGHWAY, NICHOLSON ROAD-SOUTH STREET

Increase in Cost

293. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Roe Highway - Nicholson Road-South Street -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $11.653 million.

(b) $58.474 million.

(c) The works were only part funded in the 1997/98 Budget. The Transform WA funding has allowed the project to be brought forward. In addition corporate overheads were added.

(d)-(e) Not applicable, as the contract has not yet been awarded.

ROE HIGHWAY, WIMBLEDON STREET-NICHOLSON ROAD

Increase in Cost

294. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Roe Highway - Wimbledon Street-Nicholson Road -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $24.591 million.

(b) $46.297 million.

(c) The works were only part funded in the 1997/98 Budget. The Transform WA funding has allowed the project to be brought forward. In addition corporate overheads were added.

(d)-(e) Not applicable, as the contract has not yet been awarded.

ROE HIGHWAY, SOUTH STREET-KWINANA FREEWAY

Increase in Cost

295. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of Roe Highway - South Street-Kwinana Freeway -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $19.031 million.

(b) $34.105 million.

(c) The works were only part funded in the 1997/98 Budget. The Transform WA funding has allowed the project to be brought forward. In addition corporate overheads were added.

(d)-(e) Not applicable, as the contract has not yet been awarded.

SOUTH WESTERN HIGHWAY, BOYANUP-YORNUP

Increase in Cost

296. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of South Western Highway - Boyanup-Yornup -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $1.896 million.

(b) $23.480 million.

(c) Increased scope to include reconstruction works in Donnybrook townsite, some work previously classified incorrectly as preservation work, a revision of construction cost estimates and the inclusion of corporate overheads.

(d)-(e) Not applicable, as the contract has not yet been awarded.

SOUTH WESTERN HIGHWAY, DENMARK-WALPOLE

Increase in Cost

297. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of South Western Highway - Denmark-Walpole -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $8.006 million.

(b) $14.275 million.

(c) Revised costs for the Kenton and Parry's sections, an additional three passing lanes between Nornalup and Bow Bridge and the inclusion of corporate overheads.

(d) 1997/98 works undertaken by Main Roads. No other contracts have been awarded as yet.

(e) Main Roads.

SOUTH WESTERN HIGHWAY, WAROONA-HARVEY

Increase in Cost

298. Ms MacTIERNAN to the Minister representing the Minister for Transport:

In respect of South Western Highway - Waroona-Harvey -

(a) what was the estimate of the cost of the road in the 1997-98 budget;

(b) what is the estimate of the cost of the road in the 1998-99 budget;

(c) what is the reason for the increase;

(d) who are the contractors engaged to provide the works; and

(e) who were the parties supervising the contractors providing the works?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) $1.904 million.

(b) $5.267 million.

(c) The scope and cost has not changed. However, some of the work was previously classified incorrectly as preservation work and was, therefore, not shown under capital works. This was corrected in the 1998/99 Budget. In addition, corporate overheads were added.

(d)-(e) Not applicable, as the contract has not yet been awarded.

TAXATION

Futures Brokers' Funds

394. Mr PENDAL to the Premier:

I refer to the funds held for clients by Futures Brokers in Western Australia and ask -

(a) does the deposit and withdrawal of those funds in the so-called Client Segregated Accounts attract State Government charges/taxes;

(b) if so, what rate and under what authority;

(c) are similar funds in similar trust accounts operated by lawyers or stockbrokers exempted from such charges/taxes;

(d) if so, why;

(e) is it correct that in New South Wales and Victoria, similar accounts operated in all three professions are exempt from such charges/taxes; and

(f) will the Premier undertake, in the approaching review of State taxes and charges within the context of overall national tax review, to consider the abolition of this transaction tax applied as it is in a discriminatory way to Futures Brokers?

Mr COURT replied:

(a) A deposit of funds to a client segregated account of a futures broker in Western Australia may be subject to financial institutions duty (FID) depending on a number of factors, including whether the futures broker is a financial institution for the purposes of the Financial Institutions Duty Act 1983. A withdrawal of funds from such an account would only be subject to debits tax if the account from which the funds were withdrawn had a cheque facility attached.

(b) If FID did apply, the appropriate rate would be determined under the Financial Institutions Duty Act 1983 by the size and nature of the receipt. If debits tax was applicable, the rate of duty imposed under section 5 of the Debits Tax Act 1990 would be determined by the size of the withdrawal.

(c) No.

(d) Not applicable.

(e) No.

(f) The future of all current State taxes will be considered as part of the Government’s response in respect of proposed changes to Commonwealth/State financial arrangements and Commonwealth taxation generally.

NATIONAL DAIRIES WA LIMITED

429. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

(1) Does any department or agency under the Premier's control have shares in National Diaries WA Limited?

(2) How may shares does the department or agency own?

(3) What is the purpose of the share ownership?

Mr COURT replied:

Ministry of the Premier and Cabinet

(1)-(3) The Ministry of the Premier and Cabinet's records reveal no holding of shares in National Dairies WA Limited.

All Other Departments/Agencies

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

NATIONAL DAIRIES WA LIMITED

446. Mr BROWN to the Minister representing the Minister for Transport:

(1) Has any department or agency under the Minister's control have shares in National Dairies WA Limited?

(2) How may shares does the department or agency own?

(3) What is the purpose of the share ownership?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) No.

(2)-(3) Not applicable.

METROBUS AUCTIONS

555. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Will the Minister confirm that auctions took place at MetroBus depots on Saturday 27 June 1998 and 11 July 1998?

(2) Were any other auctions of MetroBus property conducted this year?

(3) If yes, on what dates?

(4) What was the total sum received by MetroBus in respect of each of these auctions?

(5) What instructions were given to the auctioneers in terms of setting reserves or accepting bids?

(6) How were each of the lots auctioned valued?

(7) Will the Government table the document listing the valuation of the lots and the monies received in respect to each lot?

(8) Has the Government a record of who purchased the materials offered at auction?

(9) If so, will the Minister table that information?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Public Auctions were conducted by Ross' Auctioneers at MetroBus on Saturday, 27 June and 11 July 1998.

(2) Yes.

(3) On Saturday 7 March 1998 conducted by Ross' Auctioneers.

(4)

7 March 1998	$ 27 183	564 lots.
27 June 1998	$ 83 263	300 lots.
11 July 1998	$321 000	829 lots.

(5) A list of reserve prices were set in conjunction with the Auctioneer on specific items and instructed that any bid less than the set reserve had to be submitted to MetroBus for approval.

(6) The Auctioneer had established approximate values for the lots or groups of lots considered to be material prior to auction to establish an estimated gross return.

(7)-(9) See paper No 324.

MINISTERIAL OFFICES

Staff, Vehicles, Mobile Phones and Credit Cards

557. Mr RIPPER to the Minister for Planning; Employment and Training; Heritage:

With respect to the Minister's Office -

(1) Will the Minister indicate for each staff person working in the Minister's office as at 11 August 1998 the following details -

(a) name;
(b) level; and
(c) type of employment contract?

(2) How many vehicles are attached to the office and what are the names of the staff to which they are allocated?

(3) How many mobile phones are available at the Minister's office and to which staff are they allocated?

(4) How many Government credit cards have been authorised for use in the Ministerial office and to which officers have they been allocated?

Mr KIERATH replied:

(1) As at 11 August 1998, the following staff were employed:

(i)	(ii)	(iii)
Chief Adviser	Class 1	term of government contract
Coordinator Urban Development	Level 9	public servant
Chief of Staff	A/Level 8	public servant
Policy Officer	Level 7	term of government contract
Policy Officer	A/Level 7	term of government contract
Media Secretary	Level 6	term of government contract
Executive Officer	Level 5	public servant
Policy Officer	A/Level 5	public servant
Policy Officer	Level 4 (pt)	term of minister contract
Liaison Officer	Level 3	term of government contract
Liaison Officer	Level 3	public servant
Appointment Secretary	A/Level 3	public servant
Correspondence Officer	A/Level 2	public servant
Personal Assistant	Level 2	public servant
Administrative Assistant	A/Level 2	public servant
Receptionist x 2 job share 0.6 &0 .	4A/Level 2	public servant

(b)-(d)

	(b) vehicle	(c) mobile phone	(d) credit card
Chief Policy Adviser	no	yes	no
Coordinator Urban Development	yes	yes	no
Chief of Staff	yes	yes	yes (x2)
Policy Officer	yes	yes	no
Policy Officer	yes	yes	no
Media Secretary	yes	yes	no
Executive Officer	yes	yes	yes (x2)
Policy Officer	no	yes	no
Policy Officer	no	no	no
Liaison Officer	no	no	no
Liaison Officer	no	no	no
Appointment Secretary	no	no	yes (x2)
Correspondence Officer	no	no	yes (x2)
Personal Assistant	no	no	no
Administrative Assistant	no	no	yes (x2)
Receptionist x 2 job share 0.6 &0 .4	no	no	no

2 x credit cards were held for an Administrative Assistant who was seconded to another office.

MINISTERIAL OFFICES

Staff, Vehicles, Mobile Phones and Credit Cards

558. Mr RIPPER to the Minister for Environment; Labour Relations:

With respect to the Minister's Office -

(a) Will the Minister indicate for each staff person working in the Minister's office as at 11 August 1998 the following details -

(i) name;
(ii) level; and
(iii) type of employment contract?

(b) How many vehicles are attached to the office and what are the names of the staff to which they are allocated?

(c) How many mobile phones are available at the Minister's office and to which staff are they allocated?

(d) How many Government credit cards have been authorised for use in the Ministerial office and to which officers have they been allocated?

Mrs EDWARDES replied:

(a) As at 11 August 1998, the following staff were employed:

(i)	(ii)	(iii)
Mr B Bradley	A/Level 9	Public servant
Mr D Carew-Hopkins	A/Level 9	Public servant
Dr P Biggs	Level 7	Public servant
Mr G Paddick	Level 7	Term of Government contract
Ms D Russell Coote	A/Level 7	Term of Government contract
Ms N Trigwell	Level 6	Term of Government contract
Ms D FitzGerald	A/Level 6	Public servant
Ms S Sidery	A/Level 5	Public servant
Mr G Cooper	Level 4	Term of Minister
Ms E Shannon	Level 4	Term of Government contract
Ms N Hill	Level 3	Public servant
Ms C Britnell	A/Level 3	Public servant
Ms T Ryan	Level 3	Public servant
Ms D Sachse	A/Level 2	Public servant
Ms B Cheung	A/Level 2	Public servant
Ms D Whyte	A/Level 2	Ministerial contract short term.

(b)-(d)

(Name)	(b) vehicle	(c) mobile phone	(d) credit card
Mr B Bradley	yes	yes	yes (2)
Mr D Carew-Hopkins	yes	yes	yes (1)
Dr P Biggs	yes	yes	yes (1)
Mr G Paddick	yes	yes	No
Ms D Russell Coote	yes	yes	yes (1)
Ms N Trigwell	yes	yes	no
Ms D Fitzgerald	no	yes	yes (1)
Ms S Sidery	no	no	yes (1)
Mr G Cooper	no	no	no
Ms E Shannon	no	no	yes (1)
Ms N Hill	no	no	no
Ms C Britnell	no	no	yes (2)
Ms T Ryan	no	no	no
Ms D Sachse	no	no	no
Ms B Cheung	no	no	no
Ms D Whyte	no	no	no

MINISTERIAL OFFICES

Staff, Vehicles, Mobile Phones and Credit Cards

560. Mr RIPPER to the Minister representing the Minister for Transport:

With respect to the Minister's Office -

(1) Will the Minister indicate for each staff person working in the Minister's office as at 11 August 1998 the following details -

(a) name;
(b) level; and
(c) type of employment contract?

(2) How many vehicles are attached to the office and what are the names of the staff to which they are allocated?

(3) How many mobile phones are available at the Minister's office and to which staff are they allocated?

(4) How many Government credit cards have been authorised for use in the Ministerial office and to which officers have they been allocated?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) As at 1 March 1998, the following staff were employed:

(i)	(ii)	(iii)
Mr S Imms	A/Level 8	public servant.
Mr G Harman	Level 8	public servant.
Mr G Trenberth	Level 8	term of government contract.
Mr B Higgins	Level 8	public servant.
Mr D Cunningham	Level 6	term of government contract.
Miss S Medica	A/Level 5	public servant.
Miss J Criddle	A/Level 5	term of government contract.
Miss L Francis	A/Level 3	public servant.
Miss G Brown	Level 3	term of government contract.
Miss L Radeska	A/Level 3	public servant.
Mrs C Rimmer	Level 2	public servant.
Mrs K Bourke	A/Level 2	public servant.

Mrs J Cobanov-Burke - on Maternity Leave until 15/12/98

(b)-(d)

	(b)	(c)	(d)
Mr S Imms	vehicle	mobile	credit card (2)
Mr G Harman	vehicle	mobile	credit card (1)
Mr G Trenberth	vehicle	mobile	
Mr B Higgins	vehicle	mobile	credit card (1)
Mr D Cunningham	vehicle	mobile	
Miss S Medica			credit card (1)
Total	5	5	5

There is one spare mobile phone held within the office for emergency situations and official business use only, and two superseded mobile phones awaiting disposal.

MINISTERIAL OFFICES

Alcohol Expenditure

626. Mr RIEBELING to the Minister for Resources Development; Energy; Education:

Will the Minister state how much his ministerial office spent on alcohol purchases in the following financial years -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

Mr BARNETT replied:

(a) $2,546.56

(b) $4,648.54

(c) $5,341.74

Refreshments were provided for functions held in relation to:

Resource industry briefings to government and private sector representatives;
LNG12 Organising Committee;
Pacific School Games;
Early Childhood Education Policy;
Education Act Review; and
Local Area Education Planning.

Where appropriate, Western Australian wine products are also presented as gifts.

PORT HEDLAND PORT AUTHORITY

Pilot Service

710. Mr McGOWAN to the Minister representing the Minister for Transport:

(1) Why was the ship *Sina* chartered by Norwest Shipping required to take on board a pilot when entering Port Hedland port on 23 July 1998?

(2) Is the Port Hedland port pilot service privatised?

(3) What was the cost of this pilot service?

(4) Why was the *Sina* required to take on a pilot when it and its master entered Port Hedland without a pilot on a number of occasions before that?

(5) Is the Port Hedland Port Authority privatised?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) The Regulations do not permit the Authority to grant an exemption to that vessel. A change of Regulation is currently with the Parliamentary Counsel's office.

(2) Yes.

(3) $2 000 - covers in and out.

(4) When the *Sina* was officially "Stateships", she was covered by the Port Authority Regulations.

(5) No.

SEA FREIGHT COUNCIL

733. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) When was the Sea Freight Council established?

(2) Why was it established?

(3) Where is it located?

(4) What is its composition?

(5) Who is the Executive Officer?

(6) Is the Council an independent body?

(7) What is the Minister's involvement with the Sea Freight Council?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) September 1996.

(2) With the objective of removing impediments to adequate, reliable and competitive seaborne trade for Western Australian industry.

(3) Fremantle.

(4) Membership comprises senior decision makers from both the private sector (exporters, importers, shipping companies, road transport and other port service providers) and relevant Government agencies.

(5) Michael O'Callaghan.

(6) Yes.

(7) Minister attends meetings regularly as a participant.

MR GREG TRENBERTH

Appointment to Dampier Port Authority

742. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) When was Greg Trenberth, former ministerial adviser to Hon. Eric Charlton, appointed to act in the position of Chief Executive Officer to the Dampier Port Authority?

(2) When did he take up the position?

(3) What qualifications does Mr Trenberth have?

(4) When did he resign from the Minister's office?

(5) Was the position advertised?

(6) If so, where, and how many applicants for the position were there?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1)-(2) 1 August 1998.

(3) Mr Trenberth has five years experience as Senior Policy Advisor for Ports in Western Australia plus extensive management experience, including 12 years as a Manager for a Federal Government agency.

(4) Mr Trenberth has been released from the obligations under his Term of Government contract, without pay, for 12 months with effect from the close of business, 31 July 1998.

(5)-(6) The Board of the Dampier Port Authority considered several suitable candidates following the resignation of the General Manager, Mr Colin Norman (on 22 June 1998, effective 31 July 1998), and following an interview with Mr Trenberth, recommended to the Minister for Public Sector Management, that Mr Trenberth act as General Manager until the completion of the recruitment process.

VICTORIA QUAY DEVELOPMENT

781. Mr BROWN to the Premier:

(1) Which Government agencies have been consulted by the Government Property Office with regard to the Victoria Quay development, and on what matters?

(2) When were these consultations undertaken?

(3) Which, if any, of these consultations are ongoing?

(4) How many officers from the Government Property Office are involved in the Victoria Quay development?

(5) How many officers from any other Government agency are involved in the Victoria Quay development?

(6) Of the buildings and landscaping indicated in the Victoria Quay precinct master plan, which features are costed in the current Budget Forward Estimates papers?

(7) How will other features of the plan be funded?

Mr COURT replied:

(1) Department of Transport - transport issues
Ministry for Planning - planning issues
Department of Environmental Planning - environmental and risk issues
Heritage Council - heritage issues
Fremantle Port Authority - operational port and tenure matters
Westrail - railway and tenure matters
WA Museum - museum requirements
Aboriginal Affairs Department - cultural issues
Department of Contract and Management Services - appointment of consultants
TAFE - educational and accommodation issues
Valuer General's Office - rental valuations
Rottnest Island Authority - ferries

(2) Consultation commenced in 1995.

(3) All consultations are ongoing.

(4) Three, all part-time.

(5) It is not possible to determine the number.

(6) The new Maritime Museum.

(7) The funding and precise composition of other aspects of Fremantle Waterfront is currently being addressed in conjunction with the masterplan development.

PORT OF WYNDHAM, MANAGER

808. Mr BROWN to the Minister representing the Minister for Transport:

(1) Does the Port of Wyndham have a manager?

(2) If not, how long has the position been vacant?

(3) When will the position be filled?

(4) Does the Port of Wyndham have a marketing plan?

(5) If not, why not?

(6) Will a marketing plan be developed?

(7) If so, when?

(8) Is it true there is a large deferred maintenance program at the Port of Wyndham?

(9) If so, what steps will be taken to provide the maintenance needed?

(10) When will those steps be taken?

(11) Have any funds been allocated for the maintenance program?

(12) How much has been allocated in the 1998-99 budget?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) No.

(2) Since 11 September 1997.

(3) The Department of Transport is currently managing the port and is in the process of seeking a suitable replacement.

(4) Yes.

(5)-(7) Not applicable.

(8) Yes.

(9) A maintenance Program is already underway and will be implemented over the next five years.

(10) Not applicable.

(11) $5.029 million.

(12) $1.2 million.

PORT OF WYNDHAM, WORKFORCE

809. Mr BROWN to the Minister representing the Minister for Transport:

(1) Has the Government given any consideration to providing a redundancy or termination package to workers engaged at the Wyndham Port?

(2) What consideration is being given?

(3) Has the Government given any consideration to terminating the workforce at the Port?

(4) Does the Government intend to terminate the workforce at the Port?

(5) If so, when?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Yes.

(2)-(5) The leasing of the Port of Wyndham together with the management and operations of the Port is currently under negotiation following a public expression of interest process. No decision has at this stage been made.

TOURISM MAPS, KIMBERLEY

814. Mr BROWN to the Minister representing the Minister for Transport:

(1) Did Main Roads WA or its predecessor produce maps for the Kimberley region showing roadside stops and/or rest areas?

(2) Will the Government produce maps providing this information?

(3) If so, when?

(4) If not, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1)-(3) Main Roads publishes *"A guide to roadside amenities and rest areas"* pamphlet for all regions of the State, including the Kimberley. The guide is distributed free of charge to members of the public and tourist bureaus. The information is designed to assist motorists to plan their trips to include sufficient rest breaks to avoid driver fatigue, a major cause of road accidents. The information is also available on the Main Roads Internet home page.

(4) Not applicable.

COFLEXIP, GRANTS

817. Mr RIEBELING to the Premier:

(1) How much did Coflexip receive in Government grants in -

(a) 1995 -96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

Coflexip did not receive any grants from the Department of Commerce and Trade in the financial years 1995-96, 1996-97 and 1997-98. On 6 February 1995 Coflexip amalgamated with the Stena Group to form Coflexip Stena Pty Ltd. This new company is the subject of PQ 818 and the member should refer to that answer for additional information.

(1) (a)-(c) Nil.

(2) Nil.

COFLEXIP STENA, GRANTS

818. Mr RIEBELING to the Premier:

(1) How much did Coflexip Stena receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

Coflexip Stena received the following from Department of Commerce and Trade in grants.

(1) (a) $4 602
(b)-(c) Nil.

(2) An interest free loan of $500 000 convertible to a grant after 5 years upon attainment of specific milestones was approved by Cabinet in May 1995. These funds cannot be drawn until all necessary agreements and security documents are in place. Draw down may occur during 1998-99.

ERG LIMITED, GRANTS

819. Mr RIEBELING to the Premier:

(1) How much did ERG Limited receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

(1) The Department of Commerce and Trade has provided the following assistance to ERG Limited Group companies.

(a) $5 000 to ERG Telecommunications (Part of ERG Limited Group)

(b) $6 409.20 to AES Prodata (Part of ERG Limited Group)

(c) $6 000 to AES Prodata (Part of ERG Limited Group)

(2) An additional $780 000 is available to ERG Limited in 1998-99 if the company is successful in negotiating a technology transfer agreement with ADC Telecommunications Limited. The subsidy is part of a $3.5m incentive agreed in December 1995 to assist ERG Limited to win a contract valued at approximately $90m over four years with a capital investment of up to $20m. The subsidy, if called on, will comprise 16 quarterly payments of $195 000 and will be repayable in accord with milestones in a Heads of Agreement signed by both parties prior to any draw down occurring. Approval was granted by Cabinet Decision of 4 December 1995 and a subsequent agreement with Treasury.

AUSTRALIAN LEATHER HOLDINGS LTD, GRANTS

820. Mr RIEBELING to the Premier:

(1) How much did Australian Leather Holdings receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

(1) (a) $42 627
(b)-(c) Nil.

(2) Nil.

AUSTRAL SHIPS, GRANTS

821. Mr RIEBELING to the Premier:

(1) How much did Austral Ships receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

(1) (a) $251 846.62 comprising $9 846.62 as a cash grant and $242 000 as partial conversion of a $1.2 million loan ultimately convertible to a grant on achievement of specified milestones.

(b) $248 097.00 comprising $6 097 as a cash grant and $242 000 as partial conversion of a $1.2 million loan ultimately convertible to a grant on achievement of specified milestones.

(c) Nil cash grants but $242 000 as partial conversion of a $1.2 million loan ultimately convertible to a grant on achievement of specified milestones.

(2) Nil but it is expected that the remaining $242 000 balance of the $1.2 million loan referred to above will be converted to a grant on achievement of the final milestone.

CHINA SOUTHERN WEST AUSTRALIAN FLYING COLLEGE, GRANTS

822. Mr RIEBELING to the Premier:

(1) How much did China Southern-WA Flying College receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

(1) (a) No funds were provided as grants but $1 000 000 loan convertible to a grant on achievement of specified milestones was advanced.

(b)-(c) Nil.

(2) Nil but it is expected that the above $1 000 000 loan will be converted to a grant following verification that all performance criteria have been met.

DUNLOP SKEGA MILL LININGS, GRANTS

823. Mr RIEBELING to the Premier:

(1) How much did Dunlop Skega receive in Government grants in -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) How much have they been allocated in 1998-99?

Mr COURT replied:

The Minister for Commerce and Trade provided the following response:

(1) (a) No funds were provided as grants but $500 000 of a $1.5 million loan ultimately convertible to a grant on achievement of specified milestones was advanced.

(b) No funds were provided as grants but $1 million of a $1.5 million loan ultimately convertible to a grant on achievement of specified milestones was advanced.

(c) Nil.

(2) Nil. A Parliamentary Statement relating to the assistance to Dunlop Skega was made by the Deputy Premier on 6 December 1995.

REGIONAL FOREST AGREEMENT SUBMISSIONS

829. Dr EDWARDS to the Minister for the Environment:

(1) What methodology is being used to analyse submissions received regarding the Regional Forest Agreement?

(2) Who designed the methodology?

(3) Will the Minister table a copy of the methodology?

(4) Who is undertaking the analysis and in which department or organisation are these people normally employed?

(5) Does the Minister intend to table the report of the analysis?

(6) When will this occur?

Mrs EDWARDES replied:

(1) A list of issues raised in the submissions was developed and then all of the issues raised in each submission are being recorded in a database. The type of submission is also recorded. An independent audit of this process is also being undertaken by a consultant.

(2) The methodology that has been adopted has followed discussions of the Steering Committee, which involved officials from a number of State and Commonwealth government departments.

(3) See (1).

(4) Officials of the Commonwealth departments of Environment Australia, and Prime Minister and Cabinet are undertaking the analysis.

(5) Yes.

(6) Following receipt of the report and at a date determined jointly with the relevant Commonwealth Ministers.

GOVERNMENT DEPARTMENTS AND AGENCIES

Act of Grace Payments

832. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) In the -

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

did the Minister approve any act of grace payments up to a maximum of $2,000 from any department or agency under the Minister's control?

(2) Who were such payments made to?

(3) What was the amount of each payment?

(4) In the -

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

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of $2,000 and $50,000 from any department or agency under the Minister's control?

(5) What was the amount of each payment?

(6) Who was each payment to be made to?

(7) What was the purpose of each payment?

(8) In the -

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

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over $50,000 from any department or agency under the Minister's control?

(9) How many such payments were approved?

(10) How many such payments were made?

(11) What was the amount of each payment?

(12) To whom was each payment made?

(13) What was the reason or purpose of each payment being made?

Mr BARNETT replied:

Office of Energy

(1) No.
(2)-(3) Not applicable.
(4) No.
(5)-(7) Not applicable.
(8) No.
(9)-(13) Not applicable.

Department of Resources Development

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

(4) No.
(5)-(7) Not applicable.
(8) No.
(9)-(13)
Not applicable.

Western Power

(1)-(13)
Not applicable.

AlintaGas

(1)-(13)
Not applicable.

Curriculum Council

(1)-(13)
The Curriculum Council has made no act of grace payments in the 1996/97 financial year or the 1997/98 financial year.

Department of Education Services

(1)-(13)
The Department of Education Services has made no act of grace payments in the 1996/97 financial year or the 1997/98 financial year.

Education Department of Western Australia

(1) (a) Yes.
(b) No.

(2) Cliff Anderson.

(3) $79.95

(4) (a) Yes.
(b) No.

(5)-(7) Two payments were made, however, due to the sensitive nature of these payments, I would prefer not to identify the recipients.

(i) An amount of $14 658.59 was made as compensation to the widow of an Education employee who died in the Gracetown tragedy.

(ii) $5 490.81 and $3 943.50 were paid respectively to the parents of a student tragically killed in an accident at the Gnowangerup Agricultural School to cover funeral and travel related expenses.

(8) No.

(9)-(13)
Not applicable.

REGIONAL FOREST AGREEMENT, WA TOURISM COMMISSION'S SUBMISSION

902. Dr EDWARDS to the Minister for the Environment:

(1) Has the Western Australian Tourism Commission lodged a submission with the Western Australian Regional Forest Agreement process?

(2) If yes to (1) above -

(a) was the submission endorsed by the board of the Western Australian Tourism Commission;

(b) what were the major issues raised in supporting or rejecting the process; and

(c) can the Minister provide a response to each of the issues raised?

Mrs EDWARDES replied:

(1) Yes.

(2) (a) This question should be directed to the Minister for Tourism.

(b) Six issues were raised in the submission. None of these issues "supported" or "rejected" the process.

(c) Yes. The submission was discussed at a meeting of Chief Executive Officers and senior officers of Western Australian Tourism Commission and CALM at an Executive Round Table meeting. It was agreed that a detailed briefing on the RFA addressing the issues raised would be provided by State and Commonwealth RFA officials to the WATC and the Tourism Council of Australia. I will provide the member with a copy of the responses, following the briefing.

FLORA, LICENCES TO SELL

907. Dr EDWARDS to the Minister for the Environment:

With respect to the recent changes to licences to sell native flora -

(a) what do these types of licences stipulate when they are issued; and

(b) what safeguards exist to protect local biodiversity?

Mrs EDWARDES replied:

Protected flora on private land is the property of the relevant land owner or occupier. Flora may be taken on private land by the owner or occupier of the land or a person authorised by the owner or occupier of the land. The Commercial Producer's Licence issued under the Wildlife Conservation Act 1950 authorises the sale of protected flora lawfully taken on private land. Prior to amendment made by the Statutes (Repeals and Minor Amendments) Act 1997 an anomaly existed in that, despite being authorised by an owner or occupier of private land to take their flora, an authorised person could not be issued a licence to sell the flora. This change did not affect the safeguards applicable to protected flora on private land.

(a)-(b) Commercial Producer's Licences include conditions applicable to the sale of protected flora, a prohibition on taking declared rare flora, tagging of brown or scented boronia, limiting the quantity of golden cascades that may be taken for sale, exclusion of sandalwood from the authority of the licence and a prohibition on the taking of whole plants on the export flora list unless they have been artificially propagated or taken under an approved salvage program. In addition, licensees are advised of the Commonwealth requirement that flora taken from natural stands may only be exported if it can be demonstrated that it has been taken in a manner that does not threaten its survival or survival of its habitat.

BEE KEEPING SITES

915. Dr EDWARDS to the Minister for the Environment:

(1) How many sites are set aside in each Department of Conservation and Land Management region for the purpose of bee keeping?

(2) How many are capable of production currently?

(3) If the sites are not capable of production, why not?

(4) How many are vacant?

(5) What is the estimated production from each site?

(6) Who rents each site?

(7) What is the average annual rent for a site?

(8) How is utilisation evaluated?

(9) What liaison occurs with Agriculture WA on the issuing and management of licence conditions?

Mrs EDWARDES replied:

(1)

Kimberley	0
Pilbara	14
Mid West	700
Swan	785
Goldfields	290
Wheatbelt	260
Southern Forest Region	250
Central Forest Region	347
South Coast	258
Total	2904

(2)-(3) There are 2904 current sites registered, however not all sites are in production at any one time. The number of productive sites depends on factors such as the season, environmental conditions, flowering patterns and location. CALM does not monitor the number of sites in production as it varies regularly.

(4) CALM does not collect data on the occupancy of apiary sites, however it is a requirement that apiarists notify the relevant District Office each time a site is occupied and vacated.

(5) CALM does not collect data on honey production, and has no specific powers to enforce provision of such information. Honey production data is retained by bee keepers and honey production houses.

(6) CALM has 118 registered bee keepers occupying sites on CALM managed estate, Crown Land and pastoral leases.

(7) The annual rental for a site in the South West Zone is $60, and $12 per year for sites outside the South West Zone (remote sites).

(8) Bee keepers are entitled to obtain 5 South West Zone sites and 4 "remote" sites for every 50 hives a bee keeper has registered.

(9) Agriculture WA is a member of the Bee keepers Consultative Committee which is an industry representative body which provides comment and advice to CALM on bee keeping matters. All members have the opportunity to raise questions regarding licence conditions.

WATTLE SEEDS

918. Dr EDWARDS to the Minister for the Environment:

(1) Given that CALM researchers have contributed to a book on edible wattle seeds of Southern Australia and that traditional Aboriginal knowledge was used as a basis for selecting wattle species, what action is being taken on the issue of indigenous intellectual property rights.

(2) Given that the wattle seed market is now worth $1 million per year and is expected to grow over the next few years, what financial returns are expected to flow on to the owners of traditional knowledge in relation to edible wattle seeds?

Mrs EDWARDES replied:

(1) The principal CALM research scientist who contributed to this book is the world expert on the taxonomy of Australian wattles. His descriptive information has been supplemented by CSIRO knowledge of food values of wattle seed, which has been gathered from previously published works, and unpublished knowledge bases such as those provided by anthropologists and people working in the bush tucker industry. The acknowledgments, which are given in the book, recognise these contributions. CALM researchers have not directly accessed aboriginal intellectual property, only information about wattle seeds which already exists in the public domain. The book presents an up-to-date assessment of wattle species with edible seed, their correct scientific name, how they are recognized and where they occur. It is extremely important to note that some wattles are toxic or may be confused with poisonous species. The book provides a basis for quality control within a developing industry.

(2) Promoters of the bush tucker industry are developing the growing edible wattle seed industry. I understand that Aboriginal groups raise revenue from the collection of wattle seed for the bush tucker industry but I am unaware of what financial arrangements exist between the industry and the collectors. In relation to the protection of aboriginal intellectual property rights, CALM researchers are currently cooperating with Professor Sally Morgan from the Centre for Indigenous History and the Arts in the University of Western Australia. They are adapting computer-based information systems for indigenous groups and planning training programs so that these groups can document and manage their own intellectual property of medicinal and edible plants. The aim is to provide aboriginal groups with their own knowledge base so that they may control any financial returns.

WUNDA-Y CONSULTATIVE ENVIRONMENTAL REVIEW

920. Dr EDWARDS to the Minister for the Environment:

(1) How many submissions were received by the Department of Environmental Protection and the Environment Protection Authority in response to the Wunda-Y Consultative Environmental Review?

(2) Why was Mr Walter Chitty never officially notified of the Wunda-Y proposal, given he is the adjoining land owner?

Mrs EDWARDES replied:

(1) A total of 409 submissions were received by the Environmental Protection Authority in response to the public review of the Consultative Environmental Review on the proposal.

(2) It is the responsibility of the proponent to consult with people who may be concerned about a proposal. In this case, the proponent, at a public meeting held on the proposed site on 6 August 1998, stated that he had discussed the proposal with Mr Walter Chitty, and had shown Mr Chitty and his wife the clay pits prior to release of the Consultative Environmental Review.

LAND CLEARING, PERTH

925. Dr EDWARDS to the Minister for Planning:

(1) How many hectares of bush land were cleared in the Perth metropolitan region in the last year or financial year?

(2) How many hectares were cleared in the previous year or financial year?

Mr KIERATH replied:

(1)-(2) The Ministry for Planning cannot provide meaningful figures on rates of clearing, owing to the problems associated with data accuracy, data interpretation, and assessment and coordination of data sources. As a result of these complexities and the variation in historical versions of data sets, the resources required to carry out this task cannot be justified, especially given the limited interpretations which can be drawn from the data.

GOODS AND SERVICES TAX

936. Dr EDWARDS to the Minister for Planning:

What impact would the proposed goods and services tax have on fees and charges raised by -

(a) the Western Australian Planning Commission; and
(b) the Ministry for Planning?

Mr KIERATH replied:

It is not possible at the current time, in the absence of the draft Federal GST Legislation, to determine the impact of the proposed GST on the fees and charges raised by the Western Australian Planning Commission and the Ministry for Planning.

PLANNING LEGISLATION AMENDMENT ACT 1996, REVIEW

939. Dr EDWARDS to the Minister for Planning:

(1) When was the review of the Planning Legislation Amendment Act 1996 due to be undertaken?

(2) Has it commenced?

(3) If yes, when?

(4) Who is undertaking the review?

(5) What are the terms of reference of the review?

(6) How can interested parties have an input?

(7) When will the review be finalised?

Mr KIERATH replied:

(1) The Act requires a review be undertaken as soon as is practicable, after the expiry of 2 years from commencement of the Act. This time period fell in August 1998.

(2) No, however to assist in my determination of the form a review should take, I have sought and now received a report on the operation of the Act from the Ministry for Planning.

(3) Not applicable.

(4)-(7) I have not yet determined the form the review will take or the terms of reference for the review.

GOODS AND SERVICES TAX

Impact on Group Training Companies

972. Mr KOBELKE to the Minister for Employment and Training:

(1) Will Group Training Companies be classified as educational service providers and therefore be free of the Howard Government's proposed Goods and Services Tax?

(2) What will be the cost to Western Australian Group Training Companies of the loss of sales tax exemption benefits under the tax proposals in the Howard GST package?

(3) Will Group Training Companies be compensated in any way for this loss of sales tax exemption benefits?

(4) Will the Minister seek to restore the $1,500 employer incentive for apprentice completion in the case of non-profit Group Training Companies?

Mr KIERATH replied:

(1)-(3) Given that the Federal Governments Goods and Services Tax (GST) is not yet clearly defined, the State Government will be seeking clarification from the Federal Government on the GST.

(4) No.

PORT GEOGRAPHE DEVELOPMENT

973. Dr EDWARDS to the Minister for the Environment:

With regards to the Port Geographe development near Busselton -

(a) was an environmental impact assessment of the project undertaken;
(b) will the Minister table a copy of the environmental assessment;
(c) if not, why not;
(d) were any stipulations put on containing seaweed build-up on the adjacent beach;
(e) what were the stipulations, and were they enforced;
(f) were any stipulations put on protecting local beaches from erosion; and
(g) what were the stipulations, and how have they been enforced?

Mrs EDWARDES replied:

(a) The Port Geographe Harbour Development was given environmental approval on 16 January 1990. In June 1995, the Environmental Protection Authority (EPA) reported on changes to conditions for the proposal pursuant to Section 46 of the Environmental Protection Act. Approval for the amended proposal was published by me, as Minister for the Environment, on 11 August 1995.

(b) Yes. [See paper No 325.]

(c) Not applicable.

(d) Yes.

(e) Environmental Conditions 5-4 and 5-5 state that the proponent shall prepare and implement a seagrass wrack management plan, to the requirements of the Department of Environmental Protection (DEP) on advice from the Department of Transport (DoT), Department of Agriculture and Shire of Busselton. This condition has been, and is being, enforced by the DEP, the Shire of Busselton and the Department of Transport.

(f) Yes.

(g) In accordance with Environmental Conditions of approval, the proponent is required to implement a beach monitoring programme and report on beach stabilisation (Environmental Condition 4-1 (2)). Environmental Condition 4-2 specifies that the proponent shall not cause any long term loss or erosion of the existing beaches east or west of the foreshore. The proponent is also required to make provision for any possible shoreline restoration as part of a legal agreement to be concluded with the State Government (Department of Transport) and the Shire of Busselton (Environmental Condition 4-3). These conditions are being enforced by the DEP, the Shire of Busselton and the Department of Transport.

WITTENOOM, ELECTRICITY CHARGES

980. Mr GRAHAM to the Minister for Energy:

(1) Is the cost of electricity in the town of Wittenoom covered by the universal tariff policy?

(2) If the answer to (1) above is yes -

(a) what is/are the reason/s for the policy to apply in this town;
(b) what was the cost of providing the power station;
(c) what would be the amount charged per unit of electricity if the universal tariff did not apply;
(d) what is the amount charged per unit of electricity under the universal tariff policy; and
(e) what is the annual cost in dollar terms of the application of the universal tariff policy in this town?

(3) If the answer to (1) above is no, why not?

(4) What is the population of the town?

Mr BARNETT replied:

I am advised -

(1) Yes.

(2) (a) It is Government policy that all Western Power's existing residential and small to medium business customers be charged the uniform tariff.

(b) The Wittenoom Power Station was taken over by SECWA (now Western Power) from the Shire of Ashburton in 1975. The costs incurred by the Shire of Ashburton in providing the power station are not known.

(c) Western Power has not developed cost reflective pricing for customers supplied under the uniform tariff in regional systems.

(d) Residential customers are charged 12.75c per kilowatt hour for all consumption plus 23.39c per day service charge. Business customers are charged 15.98c per kilowatt hour for the first 1650 kilowatt hours per day plus 24.31c per day service charge.

(e) The Annual gap between costs and uniform tariff revenue in Wittenoom varies from year to year. In the 1997/98 financial year this gap was estimated at $34 000 before the allocation of fixed overheads.

(3) Not applicable.

(4) Western Power has 489 electricity customers connected in the town of Wittenoom. The actual population varies substantially and is not monitored.

TURKEY CREEK, ELECTRICITY CHARGES

981. Mr GRAHAM to the Minister for Energy:

(1) Is the cost of electricity in the community of Turkey Creek covered by the universal tariff policy?

(2) If the answer to (1) above is yes;

(a) what is/are the reason/s for the policy to apply in this town;
(b) what was the cost of providing the power station;
(c) what would be the amount charged per unit of electricity if the universal tariff did not apply;
(d) what is the amount charged per unit of electricity under the universal tariff policy; and
(e) what is the annual cost in dollar terms of the application of the universal tariff policy in this town?

(3) If the answer to (1) is no, why not?

(4) What is the population of the town?

Mr BARNETT replied:

(1) No.

(2) Not applicable.

(3) It is Government policy that all of Western Power's existing residential and small business customers are supplied at the uniform tariff. Turkey Creek community is not supplied by Western Power. It self generates.

(4) At the last Population Census (August 1996), the Australian Bureau of Statistics counted 306 persons. However, the population figure may fluctuate depending on the time of year.

EMPLOYMENT OF RETRENCHED EMPLOYEES

1007. Mr BROWN to the Minister for Public Sector Management:

(1) Is the Minister aware of an Australian Bureau of Statistics (ABS) report which revealed almost half of the 685,000 employees retrenched in the three years to 1997 were still unemployed or had given up any hope of retaining work when the study was undertaken?

(2) Is it true that a large number of former State Government employees displaced by the Government's contracting out and privatisation policies have not been able to find alternative work?

(3) If not, when was the last occasion the Government conducted a study or survey to ascertain the number of displaced employees who had been successful/unsuccessful in obtaining other work?

(4) Who did that study?

(5) When was the study undertaken?

Mr COURT replied:

(1) A media release by the Australian Bureau of Statistics dated 8 September 1998 states that "in July 1997, the number of people aged 18-64 who had held a job in the three years to 30 June 1997 was estimated at 9,339,200. Of these, 685,400 (7.3%) had been retrenched (that is, either retrenched or made redundant) on one or more occasions in that period, according to results released today by the Australian Bureau of Statistics".

(2)-(5) The Government does not monitor the employment status of former employees.

REGIONAL FOREST AGREEMENT, PLANTATION INDUSTRY

1017. Dr EDWARDS to the Minister for the Environment:

(1) Why has the current processing activity and employment in Western Australia's plantation industry been excluded from Appendix 3 of the Regional Forest Agreement (RFA) document which shows a summary of current industry activity and employment and potential industry development to 2020?

(2) Given that the RFA document states on page 16 that "The RFA process considers the timber industry as a whole and not just the native forest sector", why has no summary of the potential plantation industry development to 2020 been included in Appendix 3 of the RFA document?

(3) What documentation has been provided to enable a verification of the projections of the future supply of plantation wood contained in the RFA document?

(4) Has the RFA document included the 5000 hectares of softwood plantations already past their commercial clear fell harvest age and which have been included in Appendix 3 of the Department of Conservation and Land Management's (CALM) Annual Report?

(5) If not, why not?

Mrs EDWARDES replied:

(1)-(2) The consultancy undertaken by BIS Shrapnel was to review the development opportunities for the Western Australian hardwood industry. Plantation hardwoods (primarily Eucalyptus globulus) are included in the industry activity and employment projections contained in the consultancy report.

(3) The Australian Bureau of Agricultural and Resource Economics has been provided access to CALM and industry data to enable verification of projections of the future supply of plantation wood contained in the RFA Public Consultation Paper.

(4) The RFA Public Consultation Paper contains projections of wood supply from softwood plantations (section 3.3, page 17). All of the publicly owned softwood plantation resource is included in these projections.

(5) Not applicable.

WESTRALIAN SANDS, MUNDIJONG MINE

1021. Dr EDWARDS to the Minister for Planning:

(1) What advice has the Ministry for Planning (or previous Department of Planning and Urban Development) given Westralian Sands about mining or commencing mining near Mundijong?

(2) Will the Minister table a copy of this advice?

(3) If not, why not?

Mr KIERATH replied:

(1) In November 1994, the former Department of Planning and Urban Development released the South-East Corridor Structure Plan (South of Armadale) report for public comment. In relation to the mining of mineral sands near Mundijong, the report recommended that, in order to protect the mineral sands reserves, urban development in the area should be deferred in the medium term (around 10 years). The final version of this report released in June 1996 reflected the same approach except that it referred to urban development being deferred for 10 to 15 years. This advice has been given to the company by Ministry officers.

(2) Yes. [See paper No 368.]

(3) Not applicable.

MANDURAH MARINA DEVELOPMENT, MEMORIAL DOCUMENT

1031. Ms MacTIERNAN to the Minister for Planning:

(1) When did the Western Australian Planning Commission first have discussions with Hudson Court Pty Ltd over the need or desirability to lodge a memorial on the Certificate of Title Volume 1572, Folio 660 otherwise known as the Mandurah Marina Development?

(2) When was the first draft of such a memorial sent to the Commission?

(3) On what date was the memorial dated 13 February 1996 submitted to the Western Australian Planning Commission for endorsement?

Mr KIERATH replied:

(1) The Western Australian Planning Commission did not have discussions with Hudson Court Pty Ltd over the need to lodge a memorial. The memorial resulted from discussions and agreement between that company and the City of Mandurah.

(2)-(3) 12 February 1998.

CALM, EXECUTIVE DIRECTOR'S SALARY

1034. Dr EDWARDS to the Minister for the Environment

(1) What is the annual salary of the Executive Director of the Department of Conservation and Land Management, Dr Syd Shea?

(2) When was this last increased and by how much?

(3) What other benefits does he receive annually?

(4) When were these last increased and by how much?

(5) What is his annual leave entitlement?

(6) For each of the past five years, what was -

(a) the number of weeks leave to which he was entitled; and
(b) the number of weeks leave that was taken?

(7) What is his long service leave entitlement?

(8) When was long service leave last taken and for how many weeks?

(9) How much was Dr Syd Shea paid in the financial year 1997-98?

(10) Will the Minister explain any discrepancy between annual salary and amount received in 1997-98?

Mrs EDWARDES replied:

(1) $159 068.00.

(2) 1 July 1998 by $3 118.40.

(3)

Motor Vehicle	$14 500
Telephone Allowance	$250
Superannuation	$18 714
Annual Leave Loading	$691

(4) 1 July 1997 by $175.00.

(5) 20 days per annum, current balance 14 days.

(6) (a) 4 weeks annual leave each year.
(b) 20 October 1993 to 19 October 1994 - 3.8 weeks annual leave.
20 October 1994 to 19 October 1995 - 4.6 weeks annual leave.
20 October 1995 to 19 October 1996 - 4.6 weeks annual leave.
20 October 1996 to 19 October 1997 - 4.0 weeks annual leave.
20 October 1997 to 19 October 1998 - 4.0 weeks annual leave

(7) Current balance 13 weeks.

(8) 1 December 1981 for 4 weeks.

(9)-(10) $234 795.60 including $77 725.98 in lieu of long service leave.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1042. Mr RIEBELING to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) Have any of the Government Departments or Agencies under the Deputy Premier's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr COWAN replied:

(1) No.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1048. Mr RIEBELING to the Minister for Planning; Employment and Training; Heritage:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr KIERATH replied:

Planning:

Western Australian Planning Commission and Ministry for Planning
(1) No.
(2)-(4) Not applicable.

Minister for Planning (Appeals Office)
(1) No.
(2)-(4) Not applicable.

East Perth Redevelopment Authority
(1) No.
(2)-(4) Not applicable.

Subiaco Redevelopment Authority
(1) No.
(2)-(4) Not applicable.

Training:

Western Australian Department of Training
(1) No.
(2)-(4) Not applicable.

Central Metropolitan College of TAFE
(1) Yes - once.
(2) The investigation agent was employed to enquire into sick leave being taken by a staff member.
(3) Norm Williams and Associates.
(4) The invoice has not yet been received.

West Coast College of TAFE
(1) No.
(2)-(4) Not applicable.

South East Metropolitan College of TAFE
(1) No.
(2)-(4) Not applicable.

South Metropolitan College of TAFE
(1) No.
(2)-(4) Not applicable.

Midland College of TAFE
(1) No.
(2)-(4) Not applicable.

Central West Regional College of TAFE
(1) No.
(2)-(4) Not applicable.

Great Southern Regional College of TAFE
(1) No.
(2)-(4) Not applicable.

Hedland College
(1) No.
(2)-(4) Not applicable.

Karratha College
(1) No.
(2)-(4) Not applicable.

South West Regional College of TAFE
(1) No.
(2)-(4) Not applicable.

Heritage:

Heritage Council of Western Australia
(1) No.
(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1050. Mr RIEBELING to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Dr HAMES replied:

(1) Yes.

(2) To investigate matters pursuant to the provisions of the Public Sector Management Act.

(3) Mr Eric Barker and Perth Investigative Services.

(4) $5,177.00 and $776.00.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1051. Mr RIEBELING to the Minister for Local Government; Disability Services:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr OMODEI replied:

(1) No.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1054. Mr RIEBELING to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr BOARD replied:

I am advised that:

(1) None of the agencies within the portfolios of Works; Services; Youth; Citizenship and Multicultural Interests has used the services of a private investigation agency since 1 January 1996.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1055. Mr RIEBELING to the Minister representing the Minister for Racing and Gaming:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor
Burswood Park Board
W A Greyhound Racing Authority
Totalisator Agency Board
Lotteries Commission

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

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1056. Mr RIEBELING to the Minister representing the Minister for Mines:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr BARNETT replied:

(1) No.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1058. Mr RIEBELING to the Minister representing the Minister for the Arts:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1) No.

(2)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1060. Mr RIEBELING to the Parliamentary Secretary to the Minister for Tourism:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr BRADSHAW replied:

(1) No.

(2)-(4) Not applicable.

HOMESWEST - KIARA TAFE SITE

1088. Mr BROWN to the Minister for Housing:

(1) When did Homeswest acquire the area of land on the corner of Morley Drive and Bottlebrush Drive otherwise known as the former Kiara Technical and Further Education (TAFE) site?

(2) On what date did Homeswest -

(a) acquire; and
(b) assume responsibility for,

this site?

(3) Did Homeswest pay for the site?

(4) How much was paid by Homeswest for the site?

(5) Why was it purchased?

(6) Did Homeswest negotiate the acquisition of the site with LandCorp or any other person?

(7) When did those negotiations commence?

(8) What are Homeswest's plans for the site?

(9) When Homeswest acquired the site, was it known the community was against the development of the site for residential purposes?

(10) If so, why was the purchase/acquisition made?

Dr HAMES replied:

(1)-(2) 30 June 1998.

(3) Yes.

(4) $3.1 million.

(5) It formed part of rationalisation of Government land assets pursuant to the recommendations of the Gauntlett Report.

(6) Yes.

(7) 24 April 1998.

(8) Homeswest is currently examining development options for the site which include residential, public purposes and public open space.

(9) Homeswest was aware that development of the whole of the site for residential purposes received some community opposition.

(10) As per answer to question 5.

WILLIAMS REST BUILDING, MT BARKER

1097. Ms McHALE to the Minister for Heritage:

I refer to the historic Williams Rest Building at Mount Barker and ask -

(a) when was it demolished;
(b) has it ever been considered for listing on the State's Register of Heritage Places; and
(c) why was an historic building such as this demolished?

Mr KIERATH replied:

(a) I understand it was demolished on 10 October 1998.

(b) No. The place has never been referred to the Heritage Council of Western Australia for assessment with a view to its entry in the Register of Heritage Places.

(c) This question should be referred to the owner of the building.

HERITAGE ACT

1098. Ms McHALE to the Minister for Heritage:

(1) When will the draft Heritage Act be brought before Parliament?

(2) Why is there a delay?

Mr KIERATH replied:

(1) As a consequence of the review of the operation of the Heritage of Western Australia Act 1990 which is required by section 84 of the Act, a new Heritage Act is under preparation. I expect to be able to introduce the Bill during the Autumn session 1999.

(2) Drafting of the new Bill has been delayed by other legislative priorities.

YELLAGONGA REGIONAL PARK MANAGEMENT PLAN

1100. Dr EDWARDS to the Minister for the Environment:

(1) When will the draft management plan for the Yellagonga Regional Park be released for public comment?

(2) When was it intended to be released?

(3) Why has it been delayed?

(4) Who is compiling the management plan?

(5) What community and public input will be made into the management plan?

Mrs EDWARDES replied:

(1)-(2) March/April 1999.

(3) The draft management plan for the Yellagonga Regional Park was intended to be released for public comment within the first half of 1999 and therefore it has not been delayed.

(4) A group of consultants called "Plan E" are currently compiling the draft management plan for the Yellagonga Regional Park.

(5) In regards to community and public input:

A community workshop has been held and members of the community were asked to highlight and discuss key management issues.

The community has also been encouraged to raise issues with the consultants directly, or with CALM staff involved with the planning process.

Regular feedback and input has occurred via the Community Advisory Committee for Yellagonga Regional Park.

The draft management plan will be made available to Yellagonga Advisory Committee, Joondalup City Council and the community for public comment. The public comment stage will be two months.

METROPOLITAN CENTRES POLICY REVIEW

1106. Mr BAKER to the Minister for Planning:

(1) With reference to the recent review of the Metropolitan Centres Policy, will the review result in amendments to the existing policy?

(2) If yes to (1) above, what will be the nature and extent of those amendments, particularly insofar as they relate to net lettable area caps on shopping centres in the Perth Metropolitan area?

Mr KIERATH replied:

(1) I am advised that following the submissions received and input provided on the draft review of the Metropolitan Centres Policy there would be changes to the policy.

(2) The Western Australian Planning Commission is deliberating on the changes to the policy including matters relating to a shopping floor space guide for metropolitan centres. I am, therefore, not in a position to advise the nature of the changes to the policy at this stage.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1118. Mr KOBELKE to the Minister for Planning; Employment and Training; Heritage:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr KIERATH replied:

(1) Yes. The Department of Training funds, across the training sector, a number of industry organisations, through contracts and grants, for the provision of a range of training related services. The WA Chamber of Commerce and

Industry is one such organisation. However, a determination as to whether these industry organisations are 'employer organisations or bodies controlled by an employer or industry organisation' is not made by the Department and not generally considered as a criteria for the allocation of funds. The following response includes all the organisations with which the Department has let or made contracts, grants or secondments since 1 July 1997, and which fall under the broad category of "industry organisations -

(2)
(a) Western Australian Department of Training.
(b) Western Australian Builders Labourers Painters and Plasters Union of Workers.
(c) ANTA National Skill Centre funding.
(d) $996,000.00

(a) Western Australian Department of Training.
(b) Motor Industry Training Association of Western Australia.
(c) ANTA National Skill Centre funding.
(d) $255,121.00

(a) Western Australian Department of Training.
(b) Electrical and Electrotechnology Training Centre (Inc)
(c) ANTA National Skill Centre funding.
(d) $901,000.00

(a) Western Australian Department of Training.
(b) Plumbing and Painting Industries Skill Training Centre.
(c) ANTA National Skill Centre funding.
(d) $257,000.00

(a) Western Australian Department of Training.
(b) Chamber of Commerce and Industry of Western Australia Skill Centre.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $3,057,000.00

(a) Western Australian Department of Training.
(b) Motor Industry Training Association of Western Australia.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $1,528,000.00

(a) Western Australian Department of Training.
(b) Electrical and Electrotechnology Training Centre (Inc).
(c) Provision of training services for traineeship and apprenticeship training.
(d) $934,000.00

(a) Western Australian Department of Training.
(b) Masters Cleaners Guild of WA.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $226,000.00

(a) Western Australian Department of Training.
(b) Plumbing and Painting Industries Skill Training Centre.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $2,295,000.00

(a) Western Australian Department of Training.
(b) Materials Institute of WA.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $157,000.00

(a) Western Australian Department of Training.
(b) The Pharmacy Guild of WA.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $251,000.00

(a) Western Australian Department of Training.
(b) AMA Services WA.
(c) Provision of training services for traineeship and apprenticeship training.
(d) $583,000.00

(a) Western Australian Department of Training.
(b) MBA Construction Training Institute (Inc).
(c) Provision of training services for traineeship and apprenticeship training.
(d) $139,000.00

(a) Western Australian Department of Training.
(b) Arts, Sports and Recreation Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $392,105.00

(a) Western Australian Department of Training.
(b) Automotive Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $17,376.00

(a) Western Australian Department of Training.
(b) Building and Construction Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $282,105.00

(a) Western Australian Department of Training.
(b) Community Services, Health and Education Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $340,636.00

(a) Western Australian Department of Training.
(b) Finance, Property and Business Services Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $373,576.00

(a) Western Australian Department of Training.
(b) Food Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $260,527.00

(a) Western Australian Department of Training.
(b) Hospitality and Tourism Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $333,303.00

(a) Western Australian Department of Training.
(b) Light Manufacturing Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $368,902.00

(a) Western Australian Department of Training.
(b) Metals, Manufacturing and Services Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $344,266.00

(a) Western Australian Department of Training.
(b) Minerals Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $10,000.00

(a) Western Australian Department of Training.
(b) Primary Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $376,222.00

(a) Western Australian Department of Training.
(b) Process Manufacturing Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $311,998.00

(a) Western Australian Department of Training.
(b) Public Administration Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $244,214.00

(a) Western Australian Department of Training.
(b) Wholesale, Retail and Personal Services Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $295,102.00

(a) Western Australian Department of Training.
(b) Transport and Storage Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $356,514.00

(a) Western Australian Department of Training.
(b) Utilities, Electrotechnology and Printing Industry Training Council.
(c) Provide advice on industry training requirements and priorities.
(d) $395,906.00

(a) Western Australian Department of Training.
(b) Chamber of Commerce and Industry of Western Australia.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $176,320.00

(a) Western Australian Department of Training.
(b) Australian Dental Association.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $5,792.00

(a) Western Australian Department of Training.
(b) Elmside Nominees Pty Ltd.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $39,966.00

(a) Western Australian Department of Training.
(b) Forest Industries Federation.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $13,677.00

(a) Western Australian Department of Training.
(b) WA Residential Training Advisory Foundation.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $23,592.00

(a) Western Australian Department of Training.
(b) WA Fishing Industry Council.
(c) Provide strategic industry intelligence and advice on industry skill requirements.
(d) $17,984.00

(a) Western Australian Department of Training.
(b) The Apprenticeship and Traineeship Company - Goldfields.
(c) Provide employment based training.
(d) $200,665.00

(a) Western Australian Department of Training.
(b) The Apprenticeship and Traineeship Company - South West.
(c) Provide employment based training.
(d) $340,785.00

(a) Western Australian Department of Training.
(b) The Apprenticeship and Traineeship Company - Midwest.
(c) Provide employment based training.
(d) $283,180.00

(a) Western Australian Department of Training.
(b) Central Area Regional Training Scheme.
(c) Provide employment based training.
(d) $310,510.00

(a) Western Australian Department of Training.
(b) Electrical Apprenticeship Scheme Inc.
(c) Provide employment based training.
(d) $317,050.00

(a) Western Australian Department of Training.
(b) Esperance Group Training Scheme Inc.
(c) Provide employment based training.
(d) $377,125.00

(a) Western Australian Department of Training.
(b) Great Southern Group Training Inc.
(c) Provide employment based training.
(d) $182,580.00

(a) Western Australian Department of Training.
(b) Group Training - Perth Inc.
(c) Provide employment based training.
(d) $178,675.00

(a) Western Australian Department of Training.
(b) Group Training North West Inc.
(c) Provide employment based training.
(d) $176,240.00

(a) Western Australian Department of Training.
(b) Hospitality Group Training WA Inc.
(c) Provide employment based training.
(d) $398,545.00

(a) Western Australian Department of Training.
(b) KETE (Kwinana Employment and Training Enterprise).
(c) Provide employment based training.
(d) $131,925.00

(a) Western Australian Department of Training.
(b) Kimberley Group Training.
(c) Provide employment based training.
(d) $150,395.00

(a) Western Australian Department of Training.
(b) Motor Industry Training Association of WA Inc.
(c) Provide employment based training.
(d) $344,175.00

(a) Western Australian Department of Training.
(b) Plumbing & Painting Training Company Inc.
(c) Provide employment based training.
(d) $229,175.00

(a) Western Australian Department of Training.
(b) South Metropolitan Youth Link.
(c) Provide employment based training.
(d) $205,235.00

(a) Western Australian Department of Training.
(b) West Australian Group Training Scheme Inc.
(c) Provide employment based training.
(d) $195,445.00

(a) Western Australian Department of Training.
(b) Training Administration Service.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $1,779,085.00

(a) Western Australian Department of Training.
(b) Priority Trade Training.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $614,642.00

(a) Western Australian Department of Training.
(b) Commercial Training Services.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $2,583,624.00

(a) Western Australian Department of Training.
(b) Group Training Perth.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $325,125.00

(a) Western Australian Department of Training.
(b) Regional Training Services (Great Southern).
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $345,000.00

(a) Western Australian Department of Training.
(b) Regional Training Services (South West).
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $417,000.00

(a) Western Australian Department of Training.
(b) Kimberley Training Administration Body.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $134,250.00

(a) Western Australian Department of Training.
(b) Pilbara Employment Information Centre.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $230,000.00

(a) Western Australian Department of Training.
(b) Mid-West Training Administration Body.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $278,944.00

(a) Western Australian Department of Training.
(b) Central Area Training Administration Body.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $293,718.00

(a) Western Australian Department of Training.
(b) Goldfields Esperance Training Administrative Body.
(c) Provide quality assurance and monitoring of training arrangements with respect to work based training.
(d) $397,851.00

(a) Western Australian Department of Training.
(b) WA Turf Club.
(c) Western Australian Department of Training staff member seconded to WA Turf Club for 3 months to assist in the development of training policies and processes and the development of a skills centre.
(d) The Western Australian Department of Training is recouping the salary costs of $245.70 per day from the Turf Club.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1120. Mr KOBELKE to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;

(b) the recipient of the contract, grant or secondment;

(c) a description of the purpose for the contract, grant or secondment; and

(d) the value or cost of the contract, grant or secondment?

Dr HAMES replied:

(1) Yes.

(2) See table below -

Agency	Recipient	Purpose	Cost
Homeswest	Master Builders Association	Termite monitoring service contract. Soil sampling to obtain chemical content of soil.	$190 per site (ongoing)
		Safety audit inspections on new construction	$100 per single site and $150-$300 per multiple site (ongoing)
Water Corporation	Chamber of Commerce & Industry Western Australia	Review and evaluation of contract safety and health management plans and conduct of contract start up and health check audits	$28 400
Water and Rivers Commission	Landscape, Design and Irrigation Awards Committee	Grant for sponsorship of the award	$5 000
	Irrigation Association of Australia (WA Region)	Support for an Industry Development Officer position through Horticulture Research & Development Corporation	$10 000

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1121. Mr KOBELKE to the Minister for Local Government; Disability Services:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr OMODEI replied:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1123. Mr KOBELKE to the Minister representing the Minister for Finance:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department
Government Employees Superannuation Board
Valuer General's Office
Insurance Commission of Western Australia

(1) No.

(2) (a)-(d) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1124. Mr KOBELKE to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr BOARD replied:

OFFICE OF MULTICULTURAL INTERESTS

(1) Yes.

(2) (a) Office of Multicultural Interests.
(b) International Business Council of WA (IBCWA).
(c) Multicultural Marketing Award and sponsorship of IBCWA's activities.
(d) Sponsorship of $2,000 was given for the Multicultural Marketing Award and an additional $1,000 for a one-off sponsorship of IBCWA's activities.

CONTRACT AND MANAGEMENT SERVICES

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

STATE SUPPLY COMMISSION

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

OFFICE OF YOUTH AFFAIRS

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

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1125. Mr KOBELKE to the Minister representing the Minister for Racing and Gaming:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor
Burswood Park Board
Totalisator Agency Board
Lotteries Commission

(1) No.
(2) Not applicable.

Western Australian Greyhound Racing Authority

(1) Yes.

(2) (a) Western Australian Greyhound Racing Authority.

(b) Hospitality Group Training (WA) Incorporated.

(c) Ongoing apprentice and trainee placement programme for hospitality personnel in WAGRA's hospitality function. Contracts are related to individual placement periods, each being 12 months.

(d) Since 1 July 1997 to 30 September 1998, WAGRA has incurred respective costs of $91,300 on a varying number of persons being employed at any one time.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1132. Mr KOBELKE to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr MARSHALL replied:

(1) No.

(2) Not applicable.

HERITAGE REGISTER - MAYLANDS BRICK KILN SITE

1134. Dr EDWARDS to the Minister for Heritage:

(1) With respect to a recent discussion by the Heritage Council to remove from the register a portion of land from the Maylands brick kiln site, why was the initial proposal not advertised in *The West Australian*, as was the Public Notice of 8 September effecting the proposed amendment?

(2) Since the subject land was to be transferred on 1 July 1998 by the Governor's Warrant to the City of Bayswater why did not the Heritage Council notify that municipality of the proposed amendment?

(3) Item 55 (7) of the Heritage of Western Australia Act 1990 states - "The place shall not be removed from the Register until a resolution of both houses of Parliament to that effect is passed". Has this requirement been met; and, if so, when?

(4) Will the Minister ensure that any future amendments proposed to existing entries on the Register of Heritage Places are advised directly to stakeholders and are also advertised in *The West Australian* Public Notices, so that interested bodies and members of the community may make comment?

(5) The City of Stirling, stated on 22 September 1998 that it will transfer 5000 sqm to the brick kiln site. Where is this land located and when will the transfer be effected?

(6) Will additional land be added to the Heritage Register at this site?

Mr KIERATH replied:

(1) A proposal to amend the entry in the Register of Heritage Places of the Maylands Brickworks to exclude an area of 85 sq m was advertised for public comment in the *Government Gazette* on 19 June 1998 but not in *The West Australian*, due to an administrative oversight by the Heritage Council. For the same reason, notice of the completed amendment was not placed in *The West Australian*.

(2) The Heritage of Western Australia Act requires that the owner of the place is advised with respect to amendments to entries in the Register. It is also the responsibility of the owner to notify the Heritage Council of changes in ownership. In this instance, the Council was not notified of the transfer of the subject land, and as a consequence the City of Bayswater was not advised of the amendment to the entry.

(3) It is assumed that this part of the question is intended to refer to section 54(7) of the Act, which requires that a place should not be removed from the Register until a resolution of both Houses of Parliament is passed. In this instance the entry was amended rather than removed, and the section does not apply.

(4) Yes, I will ensure that in future advertising will accord with the requirements of the Act

(5) I understand that the land concerned is adjacent to the northern boundary of the area presently entered in the Register. The land was transferred in May 1998.

(6) That will be considered in due course.

COTTON GROWING TRIALS, WEST KIMBERLEY - COST

1152. Dr EDWARDS to the Minister for Resource Development:

(1) What expenditure has been incurred to date by the Department of Resources Development (DRD) in all aspects of cotton trials in the West Kimberley area?

(2) What is the expenditure likely to be in 1998-99?

(3) What is the cost to the taxpayer of DRD's Water and the West Kimberley set of brochures?

(4) How much has Western Agriculture Industries (WAI) contributed?

Mr BARNETT replied:

I am advised:

(1) The Department of Resources Development (DRD) has not incurred any expenditure on cotton trials in the West Kimberley area.

(2) Nil.

(3) Since 1996, 4 editions of "Water and the West Kimberley" have been produced, a total of 17 500 copies, at a cost of $9 268.

(4) Nil.

COTTON GROWING TRIALS, WEST KIMBERLEY - COST

1153. Dr EDWARDS to the Minister for Water Resources:

(1) What expenditure has been incurred to date by the Water and Rivers Commission in all aspects of cotton trials in the West Kimberley area?

(2) What is the expenditure likely to be in the 1998-99 financial year?

(3) What other Government expenditure is there likely to be in the 1998-99 financial year?

Dr HAMES replied:

(1) $1,635.00 for inspections and the issue of ground water licenses including travel costs.

(2) $152.33 for licensing issue, already expended and included in (1).

(3) Nil.

HOMESWEST TENANTS - DISCOUNT ON WATER BILLS

1160. Mr CARPENTER to the Minister for Housing

Will the Minister explain how the aged pensioner discount on Water Corporation consumption bills is applied to Homeswest tenants?

Dr HAMES replied:

Homeswest provides the Water Corporation with a list of all Homeswest properties which also identifies pensioner tenants. The Water Corporation allows for the pensioner concession prior to billing Homeswest. Homeswest then forwards an account to its tenants for the remaining amount.

MEDICARE - RURAL PATIENTS

1161. Mr McGINTY to the Minister for Health:

(1) Will the Minister explain the reason for the current practice of Medicare reimbursing rural patients visiting a doctor with a Provisional Provider Number a lesser amount than those visiting a doctor with a Provider Number?

(2) What is being done to correct this grave inequity for patients in rural communities?

Mr DAY replied:

(1)-(2) The issuing of Medicare provider numbers and remuneration for doctors through the Medical Benefit Scheme are Commonwealth responsibilities. The Health Insurance Commission, which is the Commonwealth body responsible for administering the Commonwealth's policies in these areas, has advised that in providing payments to doctors it makes no distinction between services provided in rural and urban areas. On this basis it seems that the member's question results from a misunderstanding of the situation. I think what may have led to the question is that the Health Insurance Commission does provide a higher level of payment to doctors who are vocationally registered than those who are not vocationally registered. Normally the criteria for registration is certification from the Royal Australian College of General Practitioners that the practitioner's medical practice is predominantly a general practice, and that the practitioner has appropriate training and experience in general practice. If a doctor is receiving a lesser level of payment, then this will be because he or she is not vocationally registered with the College.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - PROPERTY SALES

1166. Ms MacTIERNAN to the Minister for Housing:

(1) How many Government Employee Housing Authority homes were sold in -

(a) 1995;
(b) 1996;
(c) 1997; and
(d) 1998 to date?

(2) What were the details of each property sold including -

(a) name of purchaser;
(b) location and details of property;

(c) purchase price;
(d) name of settlement agent who acted for the purchaser in each case;
(e) amount of commission paid on each property;
(f) name of agent who handled each individual sale?
(g) date of sale;
(h) has the property been on-sold; and
(i) if the answer to (h) above is yes, will the Minister advise -

(i) date of on-sale;
(ii) price of on-sale; and
(iii) name of purchaser?

Dr HAMES replied:

(1)-(2) I am not prepared to commit the resources required to answer the member's question in its current format. However, if the member has a question in relation to a specific property, I would be prepared to commit the resources required to provide the answer.

RAFFLES HOTEL - HERITAGE LISTING

1177. Dr EDWARDS to the Minister for Heritage:

(1) When exactly will the Heritage Council make the decision regarding the Raffles Hotel to be placed on the Heritage listing?

(2) What is the difference between Heritage Identity and Heritage Listing?

(3) Will the Minister follow the Heritage Council's recommendations regarding the Raffles Hotel?

Mr KIERATH replied:

(1) This matter will be considered by the Heritage Council at its next meeting on 13 November 1998.

(2) The term "Heritage Listing" is used generically to cover any listing of a property by a recognised body. I am not familiar with the term "Heritage Identity", however I am advised that it is sometimes used in respect of a person involved in heritage.

(3) I will give careful consideration to the advice and recommendation of the Heritage Council should this matter come before me for a decision.

VOCATIONAL AND EDUCATIONAL TRAINING - FUNDING

1180. Mr KOBELKE to the Minister for Employment and Training:

(1) On what date or dates were decisions made as to the successful organisation to receive funding under the new industry advisory arrangements for advice on VET needs?

(2) Who were the people responsible for making the decision to award funding under the new industry advisory arrangements for organisations to provide industry advice on VET needs?

(3) Who were the people or organisations that were awarded the funding under the new industry advisory arrangements?

(4) In the case of each organisation that was successful in receiving this funding;

(a) what was the amount of the funding;

(b) what was the industry sectors for which advice was to be provided under this funding arrangement;

(c) when was each organisation notified that it had been successful in receiving this funding; and

(d) is it allowable for the successful organisation to transfer the State Training Board funding to another organisation for the purposes of providing the advice services?

Mr KIERATH replied:

(1) 10 September 1998 and 16 October 1998.

(2) 10 September 1998. Mr Harry Sorensen (Chair of the State Training Board), Mr Michael Kidd (State Training Board member) and Mr Malcolm Goff (Executive Director, Western Australian Department of Training).

16 October 1998. Mr Harry Sorensen (Chair of the State Training Board) and members Mr Michael Kidd, Ms Diana Mitchell, Ms Jenni Ballantyne.

(3) Arts, Sport and Recreation Industry Training Council
Australian Dental Association
Building Industry Group Trust
Chamber of Commerce and Industry of Western Australia
Finance, Property and Business Services Industry Training Council
Forest Industries Federation (WA)
Hospitality and Tourism Industry Training Council
Housing Industry Association
Light Manufacturing Industry Training Council
Metals, Manufacturing and Services Industry Training Council
Primary Industry Training Council
Transport and Storage Industry Training Council
Utilities, Electro technology and Printing Industry Training Council
WA Fishing Industry Council
Wholesale, Retail and Personal Services Industry Training Council

(4) Arts, Sport and Recreation Industry Training Council
(a) $22,274.00
(b) Film, Radio and Television Services and Multi-Media (creative component) (ANZSIC Code 91)
(c) 30 September 1998
(d) No.

Arts, Sport and Recreation Industry Training Council
(a) $50,000.00
(b) Creative, Visual and Performing Arts (ANZSIC Codes 924, 925)
(c) 30 September 1998
(d) No.

Arts, Sport and Recreation Industry Training Council
(a) $23,475.00
(b) Libraries, Museums and Heritage (ANZSIC Codes 921, 922, 923)
(c) 30 September 1998
(d) No.

Arts, Sport and Recreation Industry Training Council
(a) $31,252.00
(b) Sport and Recreation (ANZSIC Code 93) full coverage with the exception of Casinos (ANZSIC 9322)
(c) 30 September 1998
(d) No.

Australian Dental Association
(a) $8,684.00
(b) Private Health Services (ANZSIC Codes 861, 862, 863) coverage of Dental Services (ANZSIC 8623)
(c) 30 September 1998
(d) No.

Building Industry Group Trust
(a) $1,986.00
(b) General Construction (ANZSIC Code 41) coverage of Non Residential Building Construction (ANZSIC 4113)
(c) 30 September 1998
(d) No.

Building Industry Group Trust
(a) $21,281.00
(b) Construction Trade Services (ANZSIC Codes 421, 422, 4231, 4233, 4234, 424, 425) coverage of Structural Steel Erection Services, Plumbing Services, Air Conditioning and Heating Services, Fire and Security System Services, and Other Construction Services (ANZSIC 4224, 4231, 4233, 4234, 425)
(c) 30 September 1998
(d) No.

Building Industry Group Trust
(a) $13,566.00
(b) Construction Trade Services (ANZSIC Codes 421, 422, 4231, 4233, 4234, 424, 425) awarded shared coverage with Housing Industry Association of Site Preparation Services, Concreting Services, Bricklaying Services, Roofing Services, Plastering/Ceiling Services, Carpentry Services, Painting/Decorating Services (ANZSIC 421, 4221, 4222, 4223, 4241, 4242, 4244)
(c) 30 September 1998
(d) No.

Building Industry Group Trust
(a) $23,086.00
(b) Electrical/Electronic Equipment Manufacturing and Services ANZSIC Codes 284, 285, 4232, 5261) to provide coverage of Electrical Services (ANZSIC 4232)

(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $17,830.00
(b) General Construction (ANZSIC Code 41) coverage of Non-Building Construction (ANZSIC 412)
(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $38,425.00
(b) Private Health Services (ANZSIC Codes 861, 862, 863) full coverage with the exception of Dental Services (ANZSIC 8623)
(d) 30 September 1998
(e) No.

Chamber of Commerce and Industry of Western Australia
(a) $50,000.00
(b) Community Services (ANZSIC Code 87)
(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $30,342.00
(b) Finance and Insurance Services (ANZSIC Codes 73, 74, 75)
(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $28,845.00
(b) Food and Beverage Manufacturing (ANZSIC Code 21)
(c) 23 October 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $26,495.00
(b) Petroleum, Coal, Chemical and Associated Product Manufacturing (ANZSIC Code 25)
(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $22,412.00
(b) Non-Metallic Mineral Product Manufacturing (ANZSIC Code 26)
(c) 30 September 1998
(d) No.

Chamber of Commerce and Industry of Western Australia
(a) $50,000.00
(b) Wholesale & Retail Services (ANZSIC Codes 45, 461, 47, 51, 521, 522, 523, 524, 525, 5269)
(c) 30 September 1998
(d) No.

Finance, Property and Business Services Industry Training Council
(a) $48,721.00
(b) Business Services (ANZSIC Codes 781, 782, 784) full coverage except for Fashion Design
(c) 30 September 1998
(d) No.

Finance, Property and Business Services Industry Training Council
(a) $29,150.00
(b) Property Services (ANZSIC Code 77)
(c) 30 September 1998
(d) No.

Finance, Property and Business Services Industry Training Council
(a) $220.00
(b) Information Technology, Telecommunications and Printing/ Publishing/ Recorded Media (ANZSIC Codes 783, 712, 24) provide coverage of Information Storage and Retrieval Services (ANZSIC 7832)
(c) 30 September 1998
(d) No.

Forest Industries Federation
(a) $20,506.00
(b) Forestry/Logging and Wood/Paper Products Manufacturing (ANZSIC Codes 03,23) to receive full

coverage with the exception of Wooden Structural Component Manufacturing and Wood Product Manufacturing
(c) 30 September 1998
(d) No.

Hospitality and Tourism Industry Training Council
(a) $2,690.00
(b) Sport and Recreation (ANZSIC Code 93) coverage of Casinos (ANZSIC 9322)
(c) 30 September 1998
(d) No.

Hospitality and Tourism Industry Training Council
(a) $43,391.00
(b) Accommodation (ANZSIC Codes 571 and Tourist Services 6641)
(c) 30 September 1998
(d) No.

Hospitality and Tourism Industry Training Council
(a) $50,000.00
(b) Pubs, Taverns, Bars, Cafes, Restaurants and Hospitality Clubs (ANZSIC Codes 572, 573, 574)
(c) 30 September 1998
(d) No.

Housing Industry Association
(a) $21,804.00
(b) General Construction (ANZSIC Code 41) coverage of House Construction and Residential Building Construction (ANZSIC 4111 and 4112)
(c) 30 September 1998
(d) No.

Housing Industry Association
(a) $13,566.00
(b) Construction Trade Services (ANZSIC Codes 421, 422, 4231, 4233, 4234, 424, 425) awarded shared coverage with Building Industry Group Trust of Site Preparation Services, Concreting Services, Bricklaying Services, Roofing Services, Plastering/Ceiling Services, Carpentry Services, Painting/Decorating Services (ANZSIC 421, 4221, 4222, 4223, 4241, 4242, 4244)
(c) 30 September 1998
(d) No.

Light Manufacturing Industry Training Council
(a) $1,587.00
(b) Construction Trade Services (ANZSIC Codes 421, 422, 4231, 4233, 4234, 424, 425) awarded coverage of (ANZSIC 4243, 4245) Carpeting Services and Glazing. Housing Industry Association and Building Industry Group Trust awarded coverage of (ANZSIC 4243) Tiling, on a shared basis
(c) 30 September 1998
(d) No.

Light Manufacturing Industry Training Council
(a) $1,279.00
(b) Business Services (ANZSIC Codes 781, 782, 784, 785, 786) coverage of Fashion Design (ANZSIC 7869)
(c) 30 September 1998
(d) No.

Light Manufacturing Industry Training Council
(a) $30,274.00
(b) Furniture/Furnishings Manufacturing (ANZSIC Code 292) full coverage except for Metal Sheet Furniture Manufacturing
(c) 30 September 1998
(d) No.

Light Manufacturing Industry Training Council
(a) $30,128.00
(b) Textile, Clothing, Footwear and Leather Manufacturing and Laundries/Dry-cleaning (ANZSIC Codes 22, 9521)
(c) 30 September 1998
(d) No.

Light Manufacturing Industry Training Council
(a) $2,331.00
(b) Forestry/Logging and Wood/Paper Products Manufacturing (ANZSIC Codes 03,23) to receive coverage of Wood Product Manufacturing (ANZSIC 2329) and Wooden Structural Component Manufacturing (ANZSIC 2323)
(c) 30 September 1998

(d) No.

Metals, Manufacturing and Services Industry Training Council
(a) $36,559.00
(b) Machinery, Equipment and Other Manufacturing (ANZSIC Codes 281, 282, 286, 291, 294)
(c) 30 September 1998
(d) No.

Metals, Manufacturing and Services Industry Training Council
(a) $72.00
(b) Furniture/Furnishings Manufacturing (ANZSIC Code 292) (ANZSIC 2922 - Metal Sheet Furniture Manufacturing)
(c) 30 September 1998
(d) No.

Metals, Manufacturing and Services Industry Training Council
(a) $50,000.00
(b) Metals Manufacturing (ANZSIC Code 27)
(c) 30 September 1998
(d) No.

Primary Industry Training Council
(a) $50,000.00
(b) Agriculture/Horticulture (ANZSIC Codes 01, 02, 864, 9526) full coverage except cotton ginning
(c) 30 September 1998
(d) No.

Transport and Storage Industry Training Council
(a) $41,090.00
(b) Transport and Transport, Postal and Courier Services (ANZSIC Codes 61, 62, 63, 64, 65, 661, 662)
(c) 30 September 1998
(d) No.

Transport and Storage Industry Training Council
(a) $21,206.00
(b) Warehousing and Storage (ANZSIC Code 67)
(c) 30 September 1998
(d) No.

Utilities, Electro technology and Printing Industry Training Council
(a) $30,779.00
(b) Utilities - Electricity/Gas/Water Supply & Drainage Services (ANZSIC Codes 36, 37)
(c) 30 September 1998
(d) No.

Utilities, Electro technology and Printing Industry Training Council
(a) $26,914.00
(b) Electrical/Electronic Equipment Manufacturing and Services (ANZSIC Codes 284, 285, 4232, 5261) full coverage with the exception of Electrical Services (ANZSIC 4232)
(c) 30 September 1998
(d) No.

Utilities, Electro technology and Printing Industry Training Council
(a) $49,780.00
(b) Information Technology, Telecommunications and Printing/Publishing/Recorded Media (ANZSIC Codes 783, 712, 24) full coverage with the exception of Information Storage and Retrieval Services (ANZSIC 7832)
(c) 30 September 1998
(d) No.

WA Fishing Industry Council
(a) $26,963.00
(b) Commercial Fishing and Aquaculture (ANZSIC Code 04)
(c) 30 September 1998
(d) No.

Wholesale, Retail and Personal Services Industry Training Council
(a) $31,837.00
(b) Personal Services (ANZSIC Codes 951, 9522, 9523, 9524, 9526, 9529, 97) full coverage with the exception of beauty therapy (ASCO 639511)
(c) 23 October 1998
(d) No.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - KARRATHA AND WICKHAM

1214. Mr RIEBELING to the Minister for Housing:

(1) In relation to the sale of Government Employee Housing Authority (GEHA) properties in Karratha and Wickham since January 1993 -

(a) what was the address, and description of each property sold;
(b) who valued each property prior to the sale (valuer's name and company);
(c) what was the valuation of each property;
(d) what was the purchase price of each property; and
(e) what was the name of the purchaser?

(2) In view of the situation where charges have been laid in relation to the sale of Industrial and Commercial Housing Authority houses in the North West, does the Minister have any concerns about the sale process of the GEHA properties?

(3) If yes, what actions does he intend to take to investigate this process?

Dr HAMES replied:

(1) I am not prepared to commit the resources required to answer the member's question in its current format. However, if the member has a question in relation to a specific property, I would be prepared to commit the resources required to provide the answer.

(2) No.

(3) Not applicable.

QUESTIONS WITHOUT NOTICE

SENATOR SUE KNOWLES

342. Dr GALLOP to the Premier and Leader of the Liberal Party:

I refer to the Premier's responsibility to uphold standards in the Liberal Party -

(1) Is it the case that Senator Sue Knowles and the Liberal Party which the Premier leads in this State deceived the voters of Western Australia by concealing her apology and retraction of malicious allegations against a political opponent until after the 3 October federal election?

(2) Does the Premier agree that those same voters who were deceived are entitled to know the truth about Senator Knowles' behaviour?

(3) If so, what action is he taking to ensure Senator Knowles publicly accounts for her behaviour?

The SPEAKER: Before I give the Premier the call, because I am allowing the question, I must indicate that questions should relate to ministerial responsibility.

Mr COURT replied:

(1)-(3) I do not agree with what the Leader of the Opposition has said.

Dr Gallop: What do you mean you do not agree? Explain yourself.

Mr COURT: The Leader of the Opposition has asked the question, and I said that I do not agree with what he has said. The civil matter between Senator Knowles and Noel Crichton-Browne was resolved in the courts. The senator gave an apology. All of that is in the public arena.

Several members interjected.

The SPEAKER: Order!

Mr Kierath interjected.

The SPEAKER: Order! The Minister for Planning.

Mr COURT: As I have said, Senator Knowles has publicly apologised for what took place. I suggest that the Leader of the Opposition concentrate on Labor Party matters and not on Liberal Party matters.

OPERATION GALLIPOLI

343. Mr JOHNSON to the Minister for Police:

Will the minister inform the House of the current achievements of Operation Gallipoli, as the Opposition in this House appears to be hell bent on portraying to the public that our police officers are going soft on outlaw motorcycle gangs?

Mr PRINCE replied:

I thank the member for the question and the opportunity again to bring the House up to date with the current situation concerning Operation Gallipoli, which started in July. As at yesterday, the total number of unlicensed firearms seized was 51; the amount of ammunition seized was just under 12 000 rounds; the total number of licensed firearms seized was 17; the amount of lawfully held ammunition seized was 3 700 rounds; and 68 search warrants were executed. The total amounts of drugs seized were 32 ecstasy tablets, 360 cannabis plants, 124 grams of amphetamines and 49.25 kilograms of cannabis, together with $43 774 of drug-related cash, seeds, smoking implements and LSD.

Fifty-nine people were arrested, 21 summonses were issued and 128 charges were laid. I have not presented the number of traffic infringements, but 756 vehicles and people were stopped in roadblocks and booze-bus exercises. That information was accurate as of yesterday. Another two 0.08 blood alcohol content charges, another possession of a smoking implement charge and another possession of cannabis charge have been laid overnight. I am sure that everyone on this side of the House supports the police. This is a major exercise against outlaw motorcycle gangs and it is going on day and night. It has been going on for the past four months - since July - and it is having a significant effect. I would like to think that all members of this House support -

Dr Gallop: Are you going to thank us for holding you to account on this issue?

Mr PRINCE: The Leader of the Opposition has no credibility on this. I would like to think that he supports the Commissioner of Police, who was recently reported in a press article as saying -

> An investigation is a search for the truth in the interests of justice in accordance with the law.
>
> It is about collecting evidence and presenting it and the accused persons to a court of law.
>
> That is . . . justice.

Does the Opposition support the police's acting within the law against outlaw motorcycle gangs?

Dr Gallop: Of course we do.

Mr PRINCE: It is good to have the Opposition on the pillion. By the way, if members of those gangs who rode without helmets can be identified, they will be charged.

SENATOR SUE KNOWLES

344. Mr RIPPER to the Minister for Police:

I refer to the minister's claim last month that he would look at the matter of possible criminal defamation charges against Senator Sue Knowles following her retraction of allegations that former Liberal Senator Noel Crichton-Browne had made death threats against her. What action has the minister taken on this matter? If he has taken no action, when does he propose to do so?

Mr PRINCE replied:

I certainly have taken some action and I have considered the matter. A writ has been issued which has an endorsement of claim. A statement of claim was filed subsequently - it is a privileged document and not available publicly. A defence was prepared that was never filed in the court; it is not a public document and is not available. There are no grounds to ask the police to divert their precious resources to any form of inquiry into this matter when their resources are better directed towards people who are committing offences on the streets of this city and this State right now.

Dr Gallop: You spent $4m on a commission into the Labor Party, but nothing on the Liberal Party.

Mr PRINCE: There are no grounds at all.

Mr Brown: Double standards! Weak!

Mr PRINCE: There are no grounds to ask the police to divert from tackling crime on our streets to investigate this matter.

Mr Brown: Unbelievable double standards! You are a disgrace! Get out of the joint!

The SPEAKER: It is nice to hear that the member for Bassendean is back. I remind members that too much interjection is not acceptable. I ask the minister to bring his answer to a close.

Mr PRINCE: If someone has grounds to make a complaint and they make one, that is another matter. What is coming from the opposition benches is not complaint; it is hot air.

SENATOR SUE KNOWLES

345. Mr RIPPER to the Minister for Police:

As a supplementary question, was the decision on this matter the minister's or was it operational?

Mr PRINCE replied:

I have not used that word yet. It was mine.

FITZROY RIVER DAM

346. Mr BRIDGE to the Minister for Primary Industry:

I refer to the front-page story in today's *The West Australian* regarding the plan to scrap a proposal to establish a dam on the Fitzroy River. Is the State Government aware of this decision and what this means for the future of the project in the Fitzroy Valley?

Mr HOUSE replied:

Some months ago, the Government signed a memorandum of understanding with Western Agricultural Industries to establish a feasibility study for the growing of horticultural crops, including cotton, in the Fitzroy Valley. That memorandum allowed the company to undertake a number of studies, to look at the water resources and land use, to liaise with the local people, including the local Aboriginal people, and to look at the environmental issues involved if any industry proceeded in the valley. The memorandum of understanding was signed by the company and the Government; it contains a proposal to look at all water resources in the region and no change has been made to it.

ILLICIT DRUG USERS, HEALTH FACILITIES

347. Mr BAKER to the Minister for Health:

Have there been any recent developments in the provision of appropriate health facilities for illicit drug users?

Mr DAY replied:

I thank the member for some notice of this question. Some positive developments have occurred in this area. I recently announced that $1m would be spent on expanding the Alcohol and Drug Authority's central drug unit in East Perth. This development will see the transfer of the William Street methadone clinic from its current site to be collocated with the central drug unit in East Perth, with a broad range of inpatient and outpatient services. That will increase the capacity of the authority's specialist services to provide more comprehensive treatment to alcohol and other drug-addicted people. The new facility will consolidate drug and alcohol treatment on the one site. It will be staffed by doctors, psychiatrists, psychologists, social and welfare workers, clinical nurses and nurse counsellors. A comprehensive range of services will be provided on the one site so people who need treatment can get assistance from the most appropriate person. Planning is also being initiated to develop a specific treatment service on the site in East Perth to meet the special needs of teenagers who are drug abusers. This is a significant development in the delivery of services to those who need assistance with an alcohol or drug problem. These developments are in addition to the other substantial achievement of the past 12 months - the expansion of the methadone program throughout Western Australia. There is now no waiting list for anyone requiring that form of treatment.

NATIVE TITLE (STATE PROVISIONS) BILL, COMMONWEALTH CONCERNS

348. Dr GALLOP to the Premier:

Has the Commonwealth Government expressed concerns to the State Government about the adequacy of the Native Title (State Provisions) Bill? If so, what concerns were expressed?

Mr COURT replied:

I am not aware of any concerns being expressed to the Government. Our legislation must comply with the federal native title legislation. The Leader of the Opposition knows that after legislation like this passes through here, it must go through a process with the Federal Government and Federal Parliament. However, I find the attitude the Opposition, the Labor Party in this State, is taking on native title interesting. In debate on the Titles Validation Amendment Bill, members opposite have seen fit to raise the issue of the titles issued on seven projects.

Mr Ripper: You acted outside the law.

Mr COURT: That is not the case. Members opposite do not tell you, Mr Speaker, that in all the other States, titles were granted on leasehold properties.

Dr Gallop: Not like those ones.

Mr COURT: Yes, they were.

Dr Gallop: Not like those ones.

Mr COURT: There was a difference. We were the only State which asked companies for an indemnity against third-party compensation. In other States, developments were allowed to proceed without any indemnities being sought. If the Opposition feels so strongly about it, why did it not object to the hot briquetted iron project going ahead?

Dr Gallop: Because you kept it all a secret.

Mr COURT: The Leader was briefed. Why did he not object to the Pilbara-to- goldfields gas pipeline being completed or a number of gold mines being established in the goldfields area? The double standard is that if it involves a Labor Party in any other State it is okay to issue titles on leasehold land, but in Western Australia it is not acceptable. Members opposite will have to make a decision.

Dr Gallop: You are telling untruths.

Mr COURT: That is the truth and the Leader of the Opposition does not like it.

Dr Gallop: No, it is not. Table the legal advice.

Mr COURT: That is the truth and he does not like it. The other States granted the titles and validated them and it is not an issue. It is an issue only with the Labor Party in Western Australia.

NATIVE TITLE (STATE PROVISIONS) BILL, COMMONWEALTH CONCERNS

349. Dr GALLOP to the Premier:

As a supplementary question, Mr Speaker -

Mr Cowan: You cannot get your questions out of *The West Australian* every day.

Dr GALLOP: Old grumpy chops over there! Will the Premier -

Mr Cowan: See how you go this time.

Dr GALLOP: Has the Deputy Premier finished? Does he want a Bex?

The SPEAKER: Order! We really cannot have such interchanges. I have allowed a supplementary question, although I should have ruled it out of order, but the leader was sidetracked. I will allow the supplementary question as long as it comes straight to the point.

Dr GALLOP: Will the Premier table all correspondence and minutes of meetings between the Commonwealth and the State on this issue?

Mr COURT replied:

I do not believe it would be proper to table all correspondence in relation to the native title legislation.

Dr Gallop: We are supposed to be debating the issue.

Mr COURT: We have been discussing this issue with two Federal Governments for six years. The time has come for members opposite to start making a few decisions.

BIRMINGHAM, MR RON - GOVERNMENT APPOINTMENT

350. Mr BARRON-SULLIVAN to the Premier:

Is the Premier aware of claims by the Deputy Leader of the Opposition that Mr Ron Birmingham, the Chairman of the State's Centenary of Federation Committee, was appointed to the position because of connections to the Liberal Party and was receiving perks at the expense of taxpayers?

Mr Ripper: Is he not a senior official of the Liberal Party?

Mr COURT replied:

Yes, he is. The Deputy Leader of the Opposition was reported as calling on me to reveal the total amount paid to Mr Birmingham in his government posts. He also suggested that Liberal Party QCs earn enough already without adding perks at the expense of taxpayers, implying that Mr Birmingham is paid for not supplying any services.

I found it interesting that the Deputy Leader raised the fact that Mr Birmingham is the Chairman of the State's Centenary of Federation Committee and a member of the Constitutional Committee. However, the Deputy Leader failed to mention that he is also chairman of the Land Valuation Tribunal and a member of the Legal Practitioners Complaints Tribunal and the Barristers Board. He also did not mention that Ian Taylor - one of the more effective Labor campaign chairmen - is also a member of two of those committees.

Mr Ripper: What about the others?

Mr COURT: Ian Taylor is the chairperson of the Aquaculture Development Council and of the task force on passive smoking, and is a member of the Constitutional Centre of Western Australia Advisory Board and the Centenary of Federation Committee. I will make two points: First, Ron Birmingham and Ian Taylor are doing a great job in their appointments. We do not have difficulty with the appointment of either Ian Taylor or other former members of Parliament to jobs for which we believe they are suited. I put on the record that Ian Taylor is as political as Ron Birmingham. Ron is the vice-president of our party; Ian Taylor is a former member of Parliament. Secondly, if those opposite want to criticise the appointment of someone because of that person's affiliation with the Liberal Party, they are not playing the game properly when they do not also mention that a member of the Labor Party is on the same two committees.

INTERNATIONAL INVESTIGATION AGENCY

351. Ms MacTIERNAN to the Minister for Public Sector Management:

In its report on the investigation of the leaked documents of Main Roads Western Australia, the Public Sector Management Office found that "the appointment of IIA was not consistent with the provisions of the Public Sector Management Act 1994 and that the principles and processes applied during the IIA investigation were not consistent with public sector requirements." Given these findings by the Public Sector Management Office and given that no charges could be sustained against any Main Roads officer, will the minister direct that the officers who were victims of this unlawful investigation have their legal expenses reimbursed?

Mr COURT replied:

A report on this matter was made public. There were a number of recommendations, many of which have already been implemented. I have said that I would report on the balance of the implementation of those recommendations. In relation to legal expenses, I must seek advice.

BUNBURY NAVAL RESERVE CADET UNIT

352. Mr OSBORNE to the minister representing the Minister for Transport:

The Bunbury Naval Reserve Cadet Unit is seeking an extension of its lease area from the western boundary of its current lease to the boundary of Old Jetty Road. Negotiations have moved very slowly and the unit is anxious to have its request agreed to before other arrangements in Marlston Hill make the expansion impossible. Will the minister provide advice on the progress of the proposal of the naval unit, and give his support to a favourable conclusion of this matter?

Mr OMODEI replied:

I commend the member for Bunbury for his support of the Bunbury Naval Reserve Cadet Unit. The Minister for Transport has provided the following response to the question -

> LandCorp, the owner of the land surrounding the naval cadets facilities, has proposed to build a roundabout which will encroach on the land currently owned by the Bunbury Port Authority and leased for a peppercorn rental to the naval cadets. On 20 August 1998, LandCorp was advised by the authority that in no circumstance is its development to encroach on land owned by the Bunbury Port Authority and leased to the naval cadets. I support the extension of the cadets facilities within the leased area. However, expansion outside the leased area must be approved by LandCorp.

WEST, AARON RHYS, DEATH

353. Mr McGINTY to the Minister for Health:

(1) Will the minister confirm that an internal investigation by Mr Cloughly, the metropolitan operations manager of St John Ambulance Australia, into the circumstances of the death of Aaron Rhys West in 1997 found that the

ambulance service acted negligently, breached its duty of care, breached numerous protocols, and ignored procedure for early management of time critical patients?

(2) What disciplinary action has been taken against the ambulance officers?

(3) What action will the Government take to ensure that in the public interest all relevant information is revealed?

Mr DAY replied:

I thank the member for some notice of this question.

(1)-(3) It is important to appreciate that St John Ambulance Australia, the Western Australian Ambulance Service, is a non-government organisation, although it is partially funded through the Health Department of Western Australia. The report findings which have been referred to are from an internal investigation undertaken by a private organisation which is assessing compliance with the rigorous standards and protocol of the ambulance service. These findings have not been referred to the Health Department, nor to me as Minister for Health, as that would be inappropriate. Any disciplinary action which may be undertaken is entirely an internal matter for St John Ambulance. The appropriate bodies given the powers to consider these matters are, firstly, the State Coroner and, secondly, the Office of Health Review. I understand the Coroner has delivered his finding and that the matter is under investigation by the Office of Health Review, which has access to all relevant health information, and in the course of that investigation it will determine what is appropriate for release in the public interest. I understand that St John Ambulance has cooperated fully with this investigation.

EMPLOYMENT INITIATIVES, GERALDTON

354. Mr BLOFFWITCH to the Minister for Employment and Training:

Will the minister inform the House of any new employment initiatives in Geraldton?

Mr KIERATH replied:

A major initiative of the Federal Government, which has been strongly supported by the State Government and the community, is the work for the dole scheme. The member for Geraldton, who raised this issue, and all members of this House who care about the wellbeing of the community, will be pleased to hear of the success of the program. Comments from the Geraldton Community Education Centre attest to its success. Comments by people who were on the job scrapheap, received skills training under the scheme and subsequently found employment highlight the real benefits of the program. First, the men and women involved learned very valuable skills. Second, as their work involved improvement of community facilities, they gained a sense of contribution to the wider community. Third, they noticed an improvement in their lives. They said it gave them meaning, fulfilment and a boost to their self-confidence. The projects were a success for the people involved not only financially but also in a true social sense.

The Federal Government deserves much credit for this program. The community stands ready to condemn those who criticise it. The lion's share of the credit belongs to the people who make the program a success; that is, the unemployed, the vast majority of whom have indicated they want to work. I congratulate also the employers and the community groups who ensure these programs work so that we end up with not just better trained dole queues, which was a legacy of the Labor Government, but real jobs, which is a legacy of the coalition Government.

WEST, AARON RHYS, DEATH

355. Mr McGINTY to the minister representing the Attorney General:

I refer to the coronial inquiry into the death of Aaron Rhys West last year and ask -

(1) Does the minister believe it appropriate for a state government agency to refuse to provide a grieving mother with open access to its files on her son's death?

(2) Is it appropriate for the Coroner to require an undertaking of secrecy under threat of imprisonment from a dead boy's mother before she is given files on her son's death?

(3) Will the Government, on behalf of Mrs Ann Mansfield and in the public interest, apply to the Supreme Court for a reopening of the coronial inquiry into the tragic death of Aaron Rhys West?

Mr PRINCE replied:

I thank the member for some notice of this question. The Attorney General has provided the following response -

(1)-(2) The Office of the Coroner is established under the Coroner's Act 1996 as an independent statutory court and office.

Mr McGinty: That does not mean they can behave in a heavy-handed way.

Mr PRINCE: Section 5 of the Coroner's Act is explicit on this. It is a court of record; it is not under the control of the State Government. It would be contrary to the rule of law for government to interfere with or influence the decisions of the Coroner.

Mr McGinty: No-one is talking about the decisions; we are talking about the undertaking to inquire.

Mr PRINCE: I know what the member for Fremantle is talking about. Mrs Mansfield has been provided with assistance by the office of the Attorney General and the State Coroner. As was indicated to her, it is for her to decide whether she wants to initiate legal proceedings regarding decisions made by the Coroner. Section 25 of the Coroner's Act describes what a Coroner must find and under section 52 an application can be made to the Supreme Court for an order to review some or all of the findings of an inquest. It is for Mrs Mansfield to determine whether she wants to initiate legal proceedings in relation to the decisions made by the Coroner and the inquest of Aaron Rhys West.

(3) On the basis of submissions to date the Attorney General does not propose to apply to the Western Australian Supreme Court for a new coronial inquiry at this time, but he will keep an open mind on the matter.

COASTAL MANAGEMENT AND STABILISATION

356. Mr MASTERS to the minister representing the Minister for Transport:

In past years, the Government has provided funding on a $1 for $3 basis with local government bodies for coastal management and stabilisation actions. I ask -

(1) Is this scheme still in force?

(2) If not, what scheme now exists to ensure that local government does not have to foot the entire cost of coastal stabilisation and related works?

(3) Is money available for research into coastal processes along particular sections of vulnerable coastline, such as Geographe Bay, as a precursor to the preparation of management plans?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

(1)-(3) The Department of Transport is presently reviewing state government policies relating to coastal protection works, and the evaluation of the existing 1:3 local-state ratio of funding assistance is a component of this review. Transport allocates substantial resources for the monitoring and evaluation of coastal processes, including survey monitoring, the evaluation of coastline movements and the monitoring of tides and waves. Where it is agreed with local government that a more comprehensive study is required to effectively manage a particular section of the coast, Transport endeavours to allocate additional resources and seeks funding assistance from the state Treasury Department where necessary.

SWAN RIVER FORESHORE REDEVELOPMENT, STAGE 1

357. Dr GALLOP to the Premier:

(1) Has a project manager been appointed for stage 1 of the Swan River foreshore redevelopment project?

(2) If so, who is the project manager and how much is he or she being paid?

(3) If not, when does the Government intend to appoint a project manager?

(4) What other expenditure has been incurred so far on stage 1 of this project?

Mr COURT replied:

I thank the Leader of the Opposition for some notice of this question.

(1) Yes.

(2) Coney Stevens Project Management Pty Ltd - $63 000.

(3) Not applicable.

(4) As at 31 October 1998, total expenditure incurred on the Swan River foreshore redevelopment project was $97 048.

SWAN RIVER FORESHORE REDEVELOPMENT, STAGE 1

358. Dr GALLOP to the Premier:

As a supplementary question, how does the Premier justify spending taxpayers' money and appointing a manager for a controversial project that is yet to receive cabinet approval?

Mr COURT replied:

In relation to the redevelopments along the foreshore, we have been undertaking a great deal of work for the past six years. This will be the major redevelopment of the Barrack Square project.

Dr Gallop: Therefore the Government is not really consulting at all?

Mr COURT: What does the Leader of the Opposition mean by "not consulting"?

Dr Gallop: The Premier said the Government would consult the public about the plan.

Mr COURT: The Government went to the public on it about five years ago.

CURRAMBINE COMMUNITY CENTRE - SITE AND FUNDING

359. Mr BAKER to the Minister for Family and Children's Services:

I refer to the minister's announcement several months ago that the State Government would contribute $500 000 towards the cost of establishing a community centre in Currambine on the condition that the City of Joondalup match this grant on a dollar-for-dollar basis. Is the minister able to advise as to the possible alternative sites in Currambine for this development, and has the City of Joondalup given any undertaking to match the funding in either the current financial year or next financial year?

Mrs PARKER replied:

I thank the member for some notice of this question.

I am pleased to advise that negotiations with the City of Joondalup have progressed to the point where the city has given in-principle support and commitment to the project. At this stage in the negotiations, possible alternative sites have not been identified. The City of Joondalup has advised that funding for the project has been scheduled for its 1999-2000 budget.

MOBILE TELEPHONES, BAN ON USE BY DRIVERS

360. Mrs ROBERTS to the Premier:

I refer to the Government's rejection of calls to ban the use of hand-held mobile phones while driving, in favour of a public education campaign, and ask -

(1) When will the campaign commence and for how long will it proceed?

(2) What is the budget for the campaign and what is the funding source?

(3) What criteria will be used to judge the success or failure of the campaign?

Mr COURT replied:

(1)-(3) The first part of the question is wrong. The Government has not rejected calls to ban the use of hand-held mobile phones. It has made it clear that they should not be used while one is driving. A campaign will be launched early in the new year. Road safety campaigns are funded from the road trauma trust fund. The final budget has not yet been determined. Murdoch University is undertaking a feasibility study into appropriate research methodologies that will allow the evaluation of the program. If that program is not effective, the Government will go down the path of a regulation to achieve the desired result. However, as I said at the outset, people should not be driving while using their hand-held mobile phones.