WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 17 November 1998

Legislative Assembly

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

GEORGE HENRY YATES - CONDOLENCE MOTION

MR COURT (Nedlands - Premier) [2.01 pm]: I move -

> That this House record its sincere regret at the death of George Henry Yates, and tender its deep sympathy to his family.

George Henry Yates was born in West Leederville on 27 July 1908, the son of Henry Yates and Sarah Ann Hill. He was educated at West Leederville State School and Perth Junior Technical College. He began his working life at the age of 14 years, as a photographic assistant between 1922 and 1923, and for nine years with Comet Motors as a mechanic's assistant and then as a salesman. During the Great Depression he found various work in Kalgoorlie and then returned to Perth to work as a car salesman with Sydney Atkinson until 1938.

George Yates was a member of the Citizen Military Forces from the 1920s and graduated as instructor. From 1938 he was a warrant officer with several permanent Army units as a member of the Australian Instructional Corps. In 1940 he enlisted in the Australian Imperial Force and served with the 2/28th battalion as battalion quartermaster at Tobruk and El Alamein and in New Guinea. He was made lieutenant on 5 December 1940 and captain in October 1942, and was mentioned in dispatches for service in the face of difficult supply problems in the South West Pacific.

George Yates was elected as the Liberal member for Canning from 15 March 1947 until March 1950, when he became the member for South Perth from 1950 until April 1956. During this period, in addition to serving his electorate, he served this House as Deputy Chairman of Committees for three years between 1950 and 1953 and was also a member of the Joint House Committee between 1947 and 1956.

It is interesting to look back at some of the speeches George Yates made in this House during those post-war years. It is obvious that many basic commodities were in short supply following World War II and the State and indeed the country was in a period of regrowth. Adequate housing for people in his electorate was an issue of concern to him. Additional school facilities and kindergartens, and adequate drainage and bus transport in the Cannington district, were also matters he raised in this place.

Another matter of concern in 1947, which is still an issue of contention today, was the adequacy of police numbers and resources. George Yates made mention in his maiden speech to this House that, in 1947, staffing at the Victoria Park Police Station consisted of one sergeant and six other officers, and police vehicles for that station consisted of a motorcycle and a horse. I am glad to say resources have improved somewhat since those times.

George Yates did not restrict his interests to local issues and I was interested to read a speech he made to this House in September 1952, in which he argued that the Government should assist in establishing more industries in the north west. He argued for the creation of a specific government department to oversee the expansion of industry and increase population in the north west. He even suggested that this department be administered by the government tourist bureau, obviously in recognition of the tremendous potential for tourism in the north of the State.

On leaving this place, George Yates moved to Sydney where he managed a hotel in Balmain for a short time and went on to become the executive director of the Long Distance Transport Association until his retirement in 1975. He was also a member of the Rats of Tobruk Association for 20 years and was secretary for five years in the 1980s.

Sadly, George Henry Yates passed away on 3 October this year in New South Wales, at 90 years of age. He generously served both the community and his country with honour and distinction. Our deepest sympathy is extended to his wife, Norma, and his children, Margaret and Ann, 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 Norma Yates and her children and their families on the death of Mr George Yates, the former member for Canning and later member for South Perth. The Premier's comments about George Yates show that he served his community well, right throughout his life. His time in Parliament was only one part of a varied and distinguished career that included a variety of employment in his early years. He served in the Australian Imperial Force during the Second World War and, after his parliamentary career, he continued working until his retirement in 1975. As the current member for Victoria Park, I was interested to read that he referred to the issue of staffing at the Victoria Park Police Station in his maiden speech in 1947, and it is instructive that some matters stay the same despite the changes of personnel as representatives. The Opposition extends its deepest sympathy to his wife, Norma, and the family.

MR PENDAL (South Perth) [2.08 pm]: I pay my own brief tribute to the first member for South Perth, who served in this Parliament between 1950 and 1956, after an earlier stint as member for Canning. The late George Yates by all accounts was a far-sighted individual, albeit that looking back with the benefit of hindsight one does not necessarily agree with all that he advocated. For example, he was an early proponent of the building of the Narrows Bridge. This was at least nine years before the bridge ultimately opened, and he thought it would be a way of relieving the mounting traffic congestion then making an impact on the Causeway end of South Perth and Victoria Park. At some stage he also made some inquiries to see whether an alternative route might have been chosen for the Narrows. I must say, again with the benefit of hindsight, that it would have been greeted with even more dismay than the ultimate outcome. As early as 1950, he suggested that the route might be the joining of Barrack Street with Mends Street in South Perth. That might have been pretty close to the bone for you, Mr Speaker, as it would have passed your house. It would seem that Mr Yates was also a man of considerable vision. As the member for South Perth, as early as 1950 he began pressing the idea of the then Guildford aerodrome being made into an international airport. Of all the things I have learned about him, that would put him at the very forefront of visionary thinking, and ultimately it was borne out when Perth assumed the role of having an international airport, but not until many years later.

As the Premier and the Leader of the Opposition have indicated, probably nothing much changes in politics. The utilitarian issues tend to remain much the same from one generation to another. In the late 1940s and early 1950s, the late Mr Yates displayed considerable interest in the fear that the then longstanding South Perth ferry service might be discontinued. The government of the day gave what was perhaps the forerunner of the good economic rationalist argument, by suggesting that if patronage continued to decline, the Government would have no option but to discontinue the service. Perhaps the ferry service has survived to this day, albeit in a different form, as the result of the pressure for it to continue exerted by him and others.

Finally, Mr Yates was first elected as the member for Canning at the age of 39 years, and he served a total of nine years in the Parliament in two seats. He had left politics by the age of 48 years, which is the rule, rather than the exception. Perhaps it indicates, more than anything else, the transient nature of politics; that one does not have an opportunity to be involved in it for all that long. In some respects he was a controversial man. He lost his seat in 1956 to a new Independent Liberal for South Perth, Hon Bill Grayden, who later rejoined the Liberal Party and served the State in a very distinguished fashion. I, like the Premier and the Leader of the Opposition, join in extending to the family of the late Mr Yates my tribute for his nine years of sterling service to the State of Western Australia.

Question passed, members standing.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Member for Girrawheen - Resignation

THE SPEAKER (Mr Strickland): Order! I have received a letter from the member for Girrawheen in which he has advised that he has resigned from the Joint Standing Committee on Delegated Legislation.

REPRESENTING THE PEOPLE: PARLIAMENTARY GOVERNMENT IN WESTERN AUSTRALIA

Statement by Speaker

THE SPEAKER (Mr Strickland): Yesterday I attended the launch of a book entitled *Representing the People: Parliamentary Government in Western Australia*, which is the first general publication to attempt a comprehensive overview of the Western Australian political system. Its four co-authors are Dr Harry Phillips and Associate Professor David Black, both of whom are members of the Parliamentary History Advisory Committee; Mr Bruce Bott, who was for a time our parliamentary librarian; and Ms Tamara Fischer, who is a well-respected member of the staff of the Legislative Assembly. For the convenience of members, the book, together with information on obtaining a copy, is displayed in the Speaker's corridor.

GUILDERTON REGIONAL PARK

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 101 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned respectfully request that the Government establish a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the mouth of the Moore River.

We request that the Government take urgent action to acquire this land before it is further rezoned or developed.

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 76.]

DEPARTMENT OF MINERALS AND ENERGY ANNUAL REPORT

Amendment

THE SPEAKER (Mr Strickland): I have received a request from the Minister for Mines to amend the Department of Minerals and Energy's 1997-98 annual report, which was tabled in the House on 29 October. A figure in table 1 of subprogram 1.2, Mining Operations on page 29 was inconsistent with the text, and an amended table has been provided by way of addendum to the report. Accordingly, under the provisions of Standing Order 233, I advise the House that I have authorised the necessary correction to be made.

JERVOISE BAY, COCKBURN SOUND

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [2.14 pm]: Almost four years ago the Department of Commerce and Trade identified a need for an upgrade and extension of facilities for the marine industries at Jervoise Bay in Cockburn Sound. Western Australia contributes 70 per cent of the total annual value of Australian ship exports and updated facilities are needed for the industry here to maintain its competitive international edge. In recent years there has been a wave of major investments in the north west of the State, and the Henderson Industrial Park at Jervoise Bay is the prime building, servicing and refitting area for the marine industry. This omnibus amendment to the metropolitan regional scheme will allow shipbuilding operations in Jervoise Bay to expand, to employ the latest technology and to take advantage of rising ship sales to train and employ more Western Australians. It provides for an additional industrial zoning for 10.5 hectares of land and 60 ha of ocean at the Henderson Industrial Estate and alters road reserves to cater for transport to and from the estate.

A three-month public submission period ending in May this year drew 400 submissions, including 1 450 comments covering 90 issues. Most of the submissions focused on environmental issues rather than the specific proposals in the metropolitan region scheme amendment. Those issues are being addressed through a series of other processes, including a public environmental review and the Fremantle Rockingham Industrial Area Regional Strategy. Main Roads is examining the regional road network to reduce the impact on Beeliar Regional Park, and development proposals within the Cockburn Sound area are the subject of an environmental statement by the Chairman of the Environmental Protection Authority. The proposed expansion of marine industry at Jervoise Bay will allow the use of the latest, more efficient marine industry manufacturing technology, increase export earnings for the State, nearly double employment in the industry in the next few years, provide a substantial broadening of the manufacturing base, and improve the training ground for many apprentices. I table the amendment, and I commend it to the House.

[See papers Nos 421-426.]

[Questions without notice taken.]

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Returned

Bill returned from the Council with amendments.

BUSINESS OF THE HOUSE

Sitting Hours - Suspension of Standing Orders

MR BARNETT (Cottesloe - Leader of the House) [3.02 pm]: I move -

That for the remainder of 1998 -

(a) the House will suspend its proceedings from approximately 1.00 pm to 1.30 pm and from approximately 6.30 pm to 7.00 pm each sitting day;

(b) private members' business shall take precedence on Wednesdays from 5.00 pm to 6.30 pm and government business shall take precedence at all other times;

(c) Standing Order No 224 relating to grievances, be suspended; and

(d) so much of the standing orders be suspended as is necessary to enable Bills to be introduced without notice and to proceed through all stages on any day and to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

The most significant feature of this motion is the change to the sitting times for the remaining three weeks of this session; that is, to have half-hour suspensions for luncheon from 1.00 to 1.30 pm and for dinner from 6.30 to 7.00 pm. With the cooperation of the Opposition, we will endeavour to avoid divisions during times traditionally allocated to lunch and dinner breaks, although no guarantees can be provided in that regard. Members should be conscious that only half-hour breaks are scheduled. That proposal is designed to expedite the passage of business during the last few weeks and, if possible, to avoid late-night sittings. Also, it provides another trial and variation which members can consider as alternative sitting times.

Part (b) of the motion is similar to the provision I moved in each of the past four years; namely, to reduce private members' time on Wednesdays for the last three weeks to one and a half hours, from 5.00 to 6.30 pm. Prior to this Government's coming to office, the tradition was that private members' business was totally suspended during the last few weeks of the year. This is a more reasonable outcome, which I hope will become part of the Assembly's conventions. Part (c) of the motion will suspend grievances for the remainder of the calendar year. Nevertheless, 90-second statements will continue under standing orders.

Part (d) is a procedural motion which allows Bills to be introduced and moved through several stages in one sitting day. This mechanism has been applied by convention. The Government's program of Bills is not large, but I am conscious that key items of legislation are involved - particularly native title, sentencing and perhaps continuing debate on the School Education Bill - and may take some time. Nevertheless, we will endeavour to get through that program in a reasonable manner. I will do my best to avoid late-night sittings in the last few weeks.

MRS ROBERTS (Midland) [3.04 pm]: The Opposition generally supports this government motion, although the proposed reduction in the lunch and dinner suspensions presents no gain to members. Unlike the previous trial, during which members went home earlier on Wednesday evenings, this proposition does not involve an earlier finish. The Leader of the House has given an undertaking to endeavour to prevent the late-night sittings which are typical of the last few weeks of every parliamentary session. I hope he can achieve that goal. A practice adopted in previous years was for the House to sit also on Thursday nights. I understand that the Leader of the House will attempt to avoid such sittings. I note that he has not listed in his proposed sitting times an allocation for Thursday nights. I hope he can keep to that agreement.

The fact is that a week has been added onto the end of this session. That extra week might not have been necessary, and we might not have needed to have this motion today, had things been better managed in the earlier part of the year, or had the Government not cancelled a sitting week during the federal election campaign.

With regard to private members' business, I too hope that this will become a convention. It is not desirable to completely cut out private members' business in these last few weeks of the session. I note that the budget Bills that are on the Notice Paper will provide an opportunity for general debate and give private members some additional time to raise issues on behalf of their constituents between now and the end of the year. I am also mindful of paragraph (c), which refers to the suspension of Standing Order No 224 relating to grievances. Grievances are a particularly useful part of the standing orders of this House and are one of the most effective ways of raising issues and getting a response within a short time, because members have only seven minutes to outline their case, and ministers have only seven minutes to respond.

With regard to paragraph (d) of the motion, I am aware this has been a practice of this House over many years in the last week or two of the parliamentary session. However, I am aware also that, by and large, agreement has been reached that the Bills which are pushed through with that sort of haste are of a non-controversial nature. Government members often refer to the final session of the Lawrence Government, when a number of Bills were put through on the last sitting day. I was not in the House at the time, but from my recollection, many of those Bills were non-controversial. We expect the Government to introduce in this House its law and order package, about which it has talked a lot. We have yet to see all of that legislation. Therefore, while I support the motion, I signal my concern about the proposed suspension of standing orders as outlined in paragraph (d) and implore the Government to be responsible and not to abuse this temporary change to our standing orders, because the reason that under the standing orders of this House legislation shall sit on the Table for one week is so that we can scrutinise that legislation properly, and can consult with our constituents and interested parties about that legislation.

MR GRAHAM (Pilbara) [3.09 pm]: I am one of the members of this place who for some time has advocated sitting through meal breaks.

Mr Barnett: I wish you would advocate to members who sit on this side of the Chamber. I am disgusted by the lack of attendance by members on my side of the House.

Mr GRAHAM: I am on the horns of a dilemma. I have never before been required to agree with the Leader of the House publicly. It is open to the Leader of the House to call a quorum. I do not see a problem with this House sitting through the

dinner breaks. Industry in this country has been doing it now for the best part of 100 years. It would not be unusual for a Parliament to be that far behind the scene. However, we are slowly catching up. I listened with interest to the Leader of the House when he addressed the Opposition's concerns. I was waiting to hear some justification - notwithstanding his view of history - and I am not disputing what has happened traditionally in this place towards the end of the year. However, the situation in the past few years differs from the general history of this place. In the 10 years that I have been here, no Government has had the majority that this Government has had. That majority gives the Government some clout in the running of the House. Unless something has happened that I do not know about, the Opposition has no chance of ever winning a vote in this Parliament because the Government has an overwhelming majority. Also, this House has established a ruthless guillotine that makes no allowance for the matter that is being debated. Whether debate is sensible, logical and rational has no application in this House any more. We have an entrenched guillotine in the Parliament. The criticisms I made four or five years ago of the minister in his role as Leader of the House were and are valid. I put his decisions down to youthful exuberance in his new office and inexperience in the Parliament. He is no longer in that position.

Mr Barnett: And no longer young.

Mr GRAHAM: That is also the case. The minister is now an experienced Leader of the House and of its business. I suggest to the Leader of the House that given the guillotine, the Government's record majority, and his experience in this place, we would not need these sorts of motions at the end of the year if he managed the business of the House appropriately.

Mr Barnett: We are not debating the guillotine motion.

Mr GRAHAM: I understand that. This motion represents a reduction and removal of the rights of the Opposition to benefit government legislation. The Leader of the House is not taking private members' time from members to give it back in some other form; he is not taking grievances from members in order to open up some other avenue for the Opposition to explore matters near and dear to their hearts during the remainder of the parliamentary session; and he is not suspending standing orders to allow private members' Bills to rush through this place. Each of the amendments the Leader of the House is making to the processes of this Parliament will cost the Opposition and benefit the Government.

I would like to hear the justification of the Leader of the House for cancelling a week's sitting of this place. We did not sit for an entire week, at which time legislation that the Leader of the House felt was pressing - not what the Opposition felt was pressing - could have come into this place and been dealt with. However, the Leader of the House cancelled a sitting week, and at the time he said publicly it was because there was no legislation in the Parliament.

Mr Barnett: No, I said it was cancelled because of the federal election.

Mr GRAHAM: The Leader of the House also said that there was no urgent legislation with which we needed to deal. The sitting week was not cancelled solely because of the legislation; it was a double-barrelled reason: The federal election and there was no pressing legislation. According to the Premier, that is the same reason the Government went to an early election in 1996. If that is the case - that is what the Government continually says - and the Government has the entrenched benefits for this session of its numbers and the guillotine, I do not know why we should suspend standing orders; nonetheless we will.

Question put and passed.

SESSIONAL ORDERS - TIME MANAGEMENT

MR BARNETT (Cottesloe - Leader of the House) [3.15 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, 19 November -
>
> (1) Soil and Land Conservation Amendment Bill - all remaining stages;
>
> (2) Planning Legislation Amendment Bill - all remaining stages;
>
> (3) Government Railways (Access) Bill - all remaining stages;
>
> (4) Road Traffic Amendment Bill - all remaining stages;
>
> (5) Dangerous Goods (Transport) Bill - all remaining stages; and
>
> (6) Dangerous Goods (Transport) (Consequential Provisions) Bill - all remaining stages.

The Soil and Land Conservation Amendment Bill relates to a Council Message about two amendments to which the Government agrees. The second reading debate on the Planning Legislation Amendment Bill has been completed; however, four government amendments are listed on the Notice Paper and they will be debated, along with any amendments or points raised by the Opposition. The two Dangerous Goods (Transport) Bills hopefully will be considered cognately. They have already been dealt with in the upper House, at which time they received 30 minutes of debate. The Government Railways (Access) Bill would be the most contentious of the Bills under time management this week. It has also been considered in

the upper House, at which time it received six hours of debate. The Road Traffic Amendment Bill is an important government initiative to require the mandatory fitting of vehicle engine immobilisers. This has also been passed by the upper House following one hour of debate.

It is intended that today will be devoted to the second reading debate and, I hope, some committee stage of the Native Title (State Provisions) Bill.

MR BROWN (Bassendean) [3.17 pm]: The Opposition opposes the guillotine motion, for reasons similar to those which have previously been advanced. In moving the proposition, the Leader of the House went through the background to each of the Bills listed. The total amount of time that the Leader of the House estimates is required to examine all of those Bills is probably around 10 hours maximum. That may prove to be accurate. Between now and 5.30 pm on Thursday, with the reduction in breaks, I envisage 22 hours of government business time. I may be mistaken, as I have not done a calculation.

Mr Barnett: That is a fair assumption. Half the week will be spent on the native title legislation and the remaining half on those Bills.

Mr BROWN: That being the case, I am at a loss to know why it is again necessary to move such a motion, particularly in view of the resolution that was passed prior to this. That was by and large agreed to by the leader of opposition business in this House, even though it curtailed breaks, in the hope of avoiding at least some Thursday night sittings. There was a level of mature agreement behind the Chair from both the leader of government business and the leader of opposition business in relation to that matter. It indicates that with some goodwill, the two leaders are capable of making these arrangements to ensure that the House can function effectively and efficiently. I contrast that agreement between the two sides in this place with the resolution now before the Chair, which is simply a form motion which the Government runs out every week in the hope that somehow the Opposition will one day accept that this is an appropriate way for the House to operate. The Opposition will not accept that, and a number of its members feel very strongly about the issue and will continue to raise objection to this type of resolution being moved in this Parliament every week as a matter of form, simply for the purpose of trying to establish it as an ongoing practice.

From the Government's perspective, it might have more weight if the Leader of the House could point to this House being occupied with those Bills for an inordinate time previously, or to some other pressing reason that those Bills need to be considered and passed before the end of the week. The Leader of the House should have a substantive reason that the Bills referred to need to be considered and dealt with by 5.30 pm on Thursday. Something substantive must also be put forward by the Leader of the House to indicate that in his view, unless this motion is carried, the Bills will not be dealt with by that time. Nothing of merit has been put forward to indicate why the Bills must be passed by that time or to justify the resolution. The resolution should be defeated.

MR THOMAS (Cockburn) [3.22 pm]: I join my colleague in opposing this motion. The Opposition is always opposed to the guillotine, but I draw the attention of the House to two reasons for that opposition this week. A bundle of legislation - some important and quite complex - will be rushed through the Parliament this week. Among that legislation is the Government Railways (Access) Bill, which should be given more thorough examination than will be possible if it is guillotined through this House. The other reason is that this motion comes before the House when it has just restricted private members' time, so the opportunity to raise other matters will be limited. I would like to raise a matter in this place, which I have raised a number of times in the past 12 months and will continue to raise on every possible opportunity; that is, the Fremantle Rockingham Industrial Area Regional Strategy report, which is affecting my electorate quite significantly and about which I cannot get a straight answer from the Government.

The Government Railways (Access) Bill, which will come before the House, provides third party access rights to people to use the rail infrastructure. In that sense it is similar to the gas pipeline access Bill, very involved legislation which this House considered some months ago, which took a long time to go through this House and would have taken longer had it not been guillotined by the minister. One of the important issues that arose during debate on that Bill was the regulator of the rules for third party access. The role of regulator is a very important one, as is this whole question. When that matter was before the House, the Opposition argued that it was less likely that an adequate regulator would be appointed from within Western Australia, and that initially, at least, the role should be taken over by the Australian Competition and Consumer Commission, which is already playing that role in other jurisdictions. There seemed no reason that it should not take that role in Western Australia. However, the minister wants his mickey mouse outfit which he will be able to control and he rejected that submission. It will be interesting to see what happens to that Bill in the other place, and the minister may need to visit that question again. If this State wants to get away from a regulator too closely identified with a particular industry who has the capacity to be captured by that industry, that can be achieved by appointing a regulator at a state level who undertakes a number of roles. That can apply in the regulation of electricity, gas, rail, water or any other infrastructure systems to which third party access is allowed.

Mr Barnett: On energy you argued for a federal regulator, not a state-based regulator.

Mr THOMAS: Yes, I did. However, it is reported in *Hansard* that I said that if the minister did not accept my argument

about having a dedicated gas regulator in the State, he could reduce the possibility of capture by appointing a regulator who had a wider jurisdiction than just gas.

Mr Barnett: That model has been and continues to be considered. There are some limitations.

Mr THOMAS: No doubt there are some limitations, and Parliament should debate these issues this week, among other occasions, when discussing third party access to rail. However, this House will not have that opportunity because the Government will guillotine the Bill through. Once again, legislation will be pushed through by the Executive, and that does not make for good law.

The other matter I raise - I would raise it in private members' time if we had a decent period, but sadly we do not - is the FRIARS report. This report sets out the options for providing industrial land in my electorate. It includes a number of projects, some of which are controversial and a number of which the Opposition strongly opposes. It designates land to be used for industrial use and buffer zones. The two suburbs of Hope Valley and Wattleup have asterisks against them on the map in the report, indicating that their future is to be determined. For two years I have been asking the Government when that determination will be made and when people will know the future plans for that area. For two years I have received bland or evasive answers from successive Ministers for Planning. Would you, Mr Deputy Speaker, tolerate a situation in your electorate where people who had invested in their homes in those suburbs did not know what their future was and could not get a straight answer from the Government? It is not acceptable.

Question put and a division taken with the following result -

Ayes (25)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mrs Parker
Mr Baker	Dr Hames	Mr Masters	Mr Shave
Mr Barnett	Mrs Holmes	Mr McNee	MrTrenorden
Mr Barron-Sullivan	Mr Johnson	Mr Minson	Mr Tubby
Mr Board	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Court	Mr MacLean	Mr Omodei	Mr Osborne *(Teller)*
Mr Day			

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.

NATIVE TITLE (STATE PROVISIONS) BILL

Cognate Debate

On motion by Mr Court (Premier), resolved -

> That leave be granted for a cognate debate for the Native Title (State Provisions) Bill and the Acts Amendment (Land Administration, Mining and Petroleum) Bill, and that the Native Title (State Provisions) Bill be the principal Bill.

Second Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [3.31 pm]: In debating this legislation, we must recognise that we are doing so within a legal and political context laid down by the Commonwealth Parliament and the High Court of Australia. Common law native title rights are here to stay; so, too, are the principles of non-extinguishment and non-discrimination. We must recognise, as Father Frank Brennan has in a new book entitled *The Wik Debate*, published in 1998, that the detail of these rights will depend upon the local law and custom of the indigenous community. He says that one group's native title rights may simply be the entitlement to travel across the land periodically for the gathering of bush tucker; another group's rights might include the right to exclusive and constant occupation and use of the land.

Too often the coalition in Western Australia has narrowed its definition of native title in ways that suit its prejudices and its interests. As a result, the so-called solutions it has devised have created more problems than answers. The workability test must also involve a fairness-and-certainty test if it is to provide the basis for a lasting solution. More specifically, we must recognise that we are legislating within a framework of principle laid down by the Commonwealth Parliament, which will be interpreted by both Houses of that Parliament; in other words, by both the House of Representatives and the Senate.

Any attempt to rush such complex legislation through this Parliament without proper scrutiny would be a major dereliction of duty. It must be considered in the light of the Racial Discrimination Act; the Commonwealth Constitution, as interpreted by the High Court of Australia; and the Native Title Act, as interpreted by both Houses of the Commonwealth Parliament. Not only must the legal and constitutional issues be taken into account, but also practical political considerations are relevant to this legislation.

When the High Court ruled in the Mabo decision that native title was recognised by the common law, the way was open for indigenous people to make claims in respect of their traditional lands. From the point of view of both indigenous interests and other stakeholders, it was preferable to develop a statutory regime for native title determination. This was the purpose of the Keating Government's Native Title Act 1993 and its associated social justice package. It was always a compromise, but one that encouraged indigenous interests to choose the path of conciliation and agreement rather than litigation. We must remember, however, that the pursuit of common law native title through the courts and all that involves in terms of time and cost is always available to Aboriginal people. There must be a statutory process of registration of claims and determination of rights that is fair, certain and workable for all the interests involved, if all those interests are to respect and use it as an alternative to the courts.

The Miriuwung-Gajerrong case illustrates the potential costs associated with litigation. As of 30 June 1998, the Western Australian Government confirmed that it had spent $3.36m on the case to date, including $2.9m on legal costs. This figure does not take into account the spending by other parties; for example, the Aboriginal and Torres Strait Islander Commission estimates that it has allocated $1.3m on the case. The high costs of litigation must be compared with the lower cost of negotiated agreements; for example, the cost of the Cape York heads of agreement for the Cape York Land Council has been estimated at $20 000 and the New South Wales Aboriginal Land Council received a grant of $46 860 to manage the Crescent Head native title consent determination. If this State Parliament is to provide a regime for native title, it must encourage Aboriginal interests to use that statutory framework, rather than go through the courts, with all the expense and time involved in that process.

These are the constitutional issues, the legal issues and the political considerations we must take into account when looking at these Bills. All too often, they are ignored by the coalition, particularly in Western Australia. Way back in the 1980s when the then State Labor Government proposed a moderate form of land rights following a wide-ranging and inclusive process of consultation, including all of the stakeholders, the legislation was voted down in the coalition-controlled Legislative Council. When the High Court brought down its Mabo decision in 1992, the newly-elected coalition Government passed the Land (Titles and Traditional Usage) Bill 1993. That legislation purported to extinguish all surviving native title in Western Australia and substitute it with rights of traditional usage. These so-called rights were subject to all other titles and could simply be extinguished or suspended by ministerial notice. In March 1995 the High Court ruled on a 7:0 basis that this legislation was contrary to the Racial Discrimination Act, the shortfall in rights being described by the court as "substantial". The coalition in Western Australia rejected a move to establish a statutory system of land rights in the early 1980s, by using its numbers in the Legislative Council. The coalition used its numbers in the Parliament in 1993 to pass legislation that was ruled out 7:0 by the High Court as contrary to the Racial Discrimination Act.

The coalition still did not learn its lesson. Still the State Government baulked at its responsibilities under our law. In seven instances involving 211 titles, it chose deliberately to ignore the requirements of the Native Title Act. This has only been revealed following opposition questions associated with the Titles Validation Amendment Bill. No mention was made of it at the time or by the minister in the second reading speech seeking parliamentary validation for the so-called intermediate period acts. That the Government had doubts about what it was doing is established by the fact that it sought indemnities from the private sector beneficiaries of its actions. In other cases, it had followed the procedures laid down by the Native Title Act. In the seven cases I have mentioned, it determined that - to use the old political quotation - the end justified the means. Indeed, the Government's passionate defence of its decisions to deliberately flout the law have cast a pall over the debate on that Bill. In the hands of a Government dismissive of the very concept of native title, we have no guarantee that the rudimentary protections within this legislation will have any effect at all. The next time that convenience or dollars dictates that the rule of law is a nuisance, we must assume that they will again take secret executive action to extinguish native title. They have defended their actions; they have expressed no regrets; they have given no assurances against repeat offences.

In the 1996 case of Wally v Western Australia and others, the Federal Court of Australia found that Western Australia had generally ignored its duty under the Native Title Act to negotiate in good faith with respect to the granting of mining tenements. Merely giving statutory notice, waiting out the required time limits and then applying for a determination were rejected by the court as being insufficient to meet the requirements of negotiation in good faith. In that decision, Justice Carr emphasised that Parliament had made it clear in mandatory terms through the use of the word "must" that the process of negotiating in good faith was of central importance as part of the procedure leading to the possible doing of a future act.

The truth of the matter is that the Western Australian State Government did not want to see the 1993 Native Title Act succeed, just as their federal colleagues had failed to participate in the parliamentary debate in 1993, thus making its passage dependent on the minor parties in the Senate. Remember what happened in 1993: The coalition parties in the national

Parliament did not participate in the native title debate. They voted no throughout the process. Therefore, in order to get that legislation passed, the only negotiations were between the Keating Government and the minor parties.

This story continued when the High Court brought down its Wik decision in December 1996. The decision was variously described as catastrophic, an unmitigated disaster, and ending any hopes of reconciliation between indigenous and non-indigenous Australians. In the middle of a stream of extreme and hysterical statements, *The West Australian* newspaper said in its 30 December editorial -

> Politicians such as Mr Court and people with financial interests in land are all too ready to wave aside essential principles of human rights when they appear to conflict with commercial interests. People should be wary of any proposition that treats human rights as disposable commodities to be withdrawn for political convenience under legislative decree.

It was in that context that Prime Minister John Howard produced his 10-point plan in May 1997. The 10-point plan may not have had the "bucketfuls of extinguishment" that some conservatives wanted it to have, but it did represent a serious assault on indigenous interests. Only the vigilance of the Senate prevented its unamended passage through the Federal Parliament. In the end, the coalition, at both federal and state levels, accepted that there would be no sunset clause in respect of claims for determination, that the registration test would enable children of the stolen generation and victims of locked gates to have their claims registered, and that the Act was to be read and construed subject to the Racial Discrimination Act. It accepted these propositions as part of the so-called Harradine compromise.

Therefore, we must remember that the original 10-point plan had no sunset clause in relation to claims. The original 10-point plan would not have enabled children of the stolen generation or those victims of locked gates to have their claims registered. Indeed, the Act could not have been read and construed subject to the Racial Discrimination Act. Only the actions of the Senate forced that upon the Government. However, it has now accepted that as part of the system of native title and part of the principles that we now have to accept as a State Parliament if this legislation is to get the tick of the Commonwealth Government and the Commonwealth Parliament.

Controversy remained, however, in respect of the Harradine compromise of the right to negotiate on pastoral leases. Under the plan, the right to negotiate was preserved, but the States could introduce their own procedures to manage mining and some compulsory acquisitions on pastoral leases where native title existed.

The Opposition has carefully considered what Senator Brian Harradine was doing with respect to these issues in order to get a clear feeling about what would and would not be acceptable in this Parliament. Jeff Kildea, the lawyer who assisted Senator Harradine, said that those procedures would have to meet strict federal criteria giving native title holders and claimants substantive rights of negotiation.

For the State's alternative scheme to qualify under section 43A of the Native Title Act, Kildea said it must have certain features. We are talking about a lawyer who assisted Harradine in drawing up this compromise which became part of the Senate's finally agreed package with the House of Representatives. These are the requirements: Native title holders and claimants will have the right to be notified of proposed mining; they will have a right to object to the mining proposal in so far as it affects their native title rights and interests; mining companies and State Governments will be required to consult with native title holders and claimants about ways of minimising the impact of mining on their native title rights and interests; there must be provision for mediation; in the event that an agreement cannot be reached, the objection will be heard by an independent person or body; the determination of that independent person or body must be complied with unless it is overruled in the interests of the State after the Minister for Indigenous Affairs has been consulted and those consultations have been taken into account; and should mining go ahead, then compensation will be provided for the effect of mining on native title rights and interests, and the amount of that compensation must be determined by an independent person or body.

I remind the Government, and indeed the Premier, of these requirements, because he signed the deal, and he is under an obligation to produce legislation that meets the conditions laid down by the Commonwealth Parliament. It is a deal which involves executive, parliamentary and potentially judicial review at the commonwealth level. The Premier is in no position to criticise in respect of these complex requirements, as it was he and his other state colleagues who insisted upon an alternative state-based regime for dealing with native title and mining on pastoral leases. If that proposition was agreed to by the Premier, he is under an obligation to ensure that this State Parliament, representing the people of Western Australia in both the Legislative Assembly and the Legislative Council, considers the legislation properly.

The Premier is not in a position to justify rushing this legislation through the State Parliament. The alternative regimes have to meet certain principles and requirements. However, the precise shape that they then take is a matter for our Parliament to determine. Indeed, the State Government and/or Parliament could decide to do nothing, in which case the federal processes, including the right to negotiate as defined in the Native Title Act, would continue to operate within the framework of the higher threshold test imposed for registration of a claim.

Our State Parliament has the power and the duty to choose the approach it wishes to take in respect of these issues. It must

do so on behalf of all of the stakeholders and in a way that produces a workable, lasting outcome. The notion that we have had the debate, it is all over, and we simply have to pass this legislation through the Parliament is based upon a false premise. The whole basis upon which this Parliament is considering the issue means that we have to give it serious consideration. The first question we must ask is: Do we need to legislate? The second question we must ask is: If we are going to legislate, what form will it take? The third question is whether the legislation complies with the requirements laid down by the Commonwealth Parliament; we must ensure that it does.

These are all matters for determination by this State Parliament. I say to the members of the Government: Let us get it right on this occasion. Unlike in 1993 when a measure was rushed through without proper consideration, on this occasion let us do the right thing by all of the stakeholders. Our first and fundamental criticism of the State Government's approach to this issue is its failure to consult. The Opposition has had many representations, particularly from indigenous interests concerned that they have not been given adequate time to discuss and comment. The Government released two of the Bills as drafts for a brief period of public comment. However, it is clear that the Government's mind was made up about the fundamental issues.

That belief - perhaps we should call it prejudice - of the Government has been confirmed in recent days. It is clear that the coalition in Western Australia is in no mood to seek a general reconciliation between indigenous Australia and the mining industry about the rules that will govern their relationship, particularly on pastoral leases. This contrasts with the efforts of the Queensland Labor Government to bring the parties together across the table and attempt to seek a mutually agreed solution. The Government missed an opportunity to involve indigenous people in this State in the drafting of its legislation.

That contrasts with the attitude and approach adopted by the Queensland Labor Government. From where we sit on the Labor side of Parliament, we can see the difference between the interests. For the indigenous interests, the right to negotiate is seen as fundamental to cultural protection, economic empowerment and control of potentially negative social impacts. For the mining industry, it is seen as cumbersome and costly. Some in the mining industry go so far as to say that any rights given to native title holders on pastoral leases should not be dissimilar to those given to pastoralists. In other words, only a right to compensation for disturbance to the land would be in order. Such logic has a number of problems: Firstly, any person who has read court decisions about native title will know that the courts of this land have determined that the property rights associated with native title must have meaning and strength if they are to be a decent reflection of our position, particularly given the requirements of the Racial Discrimination Act. Secondly, native title rights are pre-existing, common law rights, although pastoralists' rights are statutory rights.

Accordingly, the High Court in Wik ruled that native title holders retained their rights, provided there is no conflict with the rights of the pastoralists. In the case of conflict, the rights of the pastoralists would prevail. However, the High Court was silent in respect of mining. Nevertheless, the High Court and the Federal Court have made it clear that any laws made to govern the relationship between miners and native title holders should be respectful of native title as a genuine property right and should be non-discriminatory in the way they operate. Just as the State Government failed to deliver decent legislation in 1993, so today has it failed to come to grips with its responsibilities. To pass the legislation in its current form would be a dereliction of our duty as legislators and would not be in the interests of any of the stakeholders.

As members will note when they consider our amendments, the Opposition has taken special care to ensure that the consultation process provides indigenous interests with appropriate and meaningful procedural rights without impairing the rights of other parties. We recognise the legitimate concerns of non-indigenous interests in seeing a proper resolution of the issues involved in native title and the particular significance this has for the mining industry. It is pleasing that on the ground throughout Western Australia, miners and Aboriginal organisations are working cooperatively to achieve a mutually satisfactory outcome. This situation illustrates that where there is goodwill on both sides, agreements can be reached without recourse to litigation. That desire to reach agreement and to be conciliatory has occurred only because of the framework of law that has been laid down by either the High Court in its determinations or the Commonwealth Parliament in its legislation.

Nevertheless, in the community on the ground, the miners are displaying goodwill about their desire to reach agreements in many cases that come before them. Unfortunately, goodwill relating to the management of native title is a vital requirement which this Government has consistently failed to display. It would be wrong to say that native title could ever be a simple issue. However, I am duty-bound to point out that the workability of the State Government's legislation is as questionable as that of the 1993 Native Title Act which it was so quick to criticise. Indeed, in *Hansard* of 17 November 1993, the current minister, the member for Albany, is reported as saying of the federal Act -

> Notwithstanding what has happened, the Federal legislation, a copy of which I have and which runs to some 238 clauses, sets up a system of courts and tribunals that is - I adopt the word of the shadow Attorney General in the Federal Liberal Party, Darryl Williams, QC - diabolical. I attempted to read the Federal legislation which, as I say, is 238 clauses long. It is not only complicated but also difficult to read.

He went on to describe the process in the proposed federal legislation as looking like little more than "spaghetti junctions".

The minister was prepared to allow that the processes in the Bill before us are "incredibly complex". Indeed they are. However, he did not say that the procedure would now be even more of a bonanza for lawyers. After extensive debate and 314 amendments, the federal Act now runs to 502 pages, with 253 clauses and a whole series of schedules. I will be interested to hear whether the minister believes that the processes in this Bill are too legalistic or otherwise. It has been put to me by an experienced legal practitioner working in the area that some 32 different legal procedural regimes now may apply to different future Acts. Is the minister now concerned that the "spaghetti junction" has yet to be unravelled? What is the lesson from all of that? The lesson is: We want to encourage people to reach agreements. We want the framework of law to be such that people can feel confident and happy with it and can feel that it is respecting their interests and rights to enable them to get on with the job of reaching agreements and the development of this State can continue.

Despite the rhetoric of the Government that it wants simpler and clearer procedures that encourage this sort of agreement and avoid the litigation that can occur, the Government acts in a contrary manner. For example, in February the Premier wrote to the National Native Title Tribunal requesting that more than 60 native title determination applications be referred to the Federal Court because, in his view, there was no prospect of a mediated resolution. The tribunal pointed out that the interests of all parties were relevant and not just those of the Government. What was also relevant was whether there was any prospect of progress in the mediation process, which in fact was the case. The Government's grudging approach to native title is apparent even in the Ministry of the Premier and Cabinet's 1998 annual report recently tabled in Parliament. Page 32 of the report states -

> In some cases where native title is likely to exist, the State indicated it may be willing to consider participating in the mediation process . . .

The whole point of the native title legislation is to encourage people to reach agreements. That system can work only if all of the parties - the potential or existing native title holders, the economic interests that may want to use the land and the Government which has an obligation to facilitate agreements - have goodwill. If any one of them does not have that goodwill, litigation will result. The framework of legislation that we had before us, and that is still federal law in this State, can become extraordinarily difficult to operate. Therefore, the intentions and actions of the Government become a crucial factor in the equation.

When I reflect on the Government's attitude to this issue, it becomes clear that the Government insists that a series of preconditions must be met before it is prepared to enter into any mediation. Having been forced into recognising that common law native title rights are here to stay, the Government makes every effort to frustrate the native title process. It knocked over an attempt to establish a statutory basis for land rights in Western Australia in the early 1980s, it tried to overturn the Mabo decision in 1993, and now it has tried to frustrate the processes of the Native Title Act and to encourage discord in our community on that fundamental issue of law that was established by the courts and the Parliament.

When the Opposition sought clarity about the meaning of the word "consultation" in the alternative regime being proposed by this Bill, we were told by the Government's advisers that this would be best left to determination in the courts; hardly the basis for clarity and certainty. However, it is what the Government is asking us to sign up to without further analysis and amendment. This Government does not take native title seriously. It wants to establish a regime that it can run through via executive action. I urge the Government to reconsider its legislation because it is the Opposition's considered view that it will fail the test that has been provided by the Commonwealth Parliament.

It is this attitude and these prejudices on the part of the Government that we must keep in mind when we examine the Native Title (State Provisions) Bill and the Acts Amendment (Land Administration, Mining and Petroleum) Bill. The Bills are seriously deficient as they stand.

I mention five major deficiencies of this legislation: Firstly, the consultation processes to be set up as an alternative to the right to negotiate under the Native Title Act lack the definition and protections to make them meaningful; secondly, the right to negotiate provisions of the Bill are deficient when compared with the Native Title Act from which they are supposed to emanate; thirdly, the scope of the right to negotiate and consultation processes has been unnecessarily narrow; fourthly, the Bill lacks a clear statement of purpose and appropriate scrutiny mechanisms; and, fifthly, the native title commission, which is proposed to be established, lacks sufficient status and independence. Rather than being a genuinely independent tribunal as part of our system of Government, it appears as an agent of the executive arm of government.

I am also concerned that the native title commission, which the Government wants to establish, makes only "recommendations", not "determinations", under the provisions of part 3 of the Bill. The minister is given the power to make a determination. It is as if the process is designed to culminate in a ministerial decision rather than a commission determination which the minister can then overrule. Mr Deputy Speaker, you may think this is a mere quibbling with words; however, I assure you it is not. When we place that consideration alongside the Government's proposals for the constitution and functioning of the native title commission, doubts are raised about its willingness to achieve a body equivalent to the Native Title Tribunal. The quality of the commission will be a vital factor in determining the effectiveness of the state legislation. In addition to the issues relating to its status and independence, I believe it is incumbent upon the State Government to guarantee in this debate that the commission will be adequately resourced. The Premier will no longer be

able to engage in his usual Canberra bashing if the state commission fails to meet expectations. Our best estimates are that a per annum budget of $15m will be required, and that is for only the operating expenses of a decent commission. I asked the minister if he could provide advice on the Government's estimation of the total operating cost of the proposed state tribunal. I raised this issue of the proposed resources for that commission and I raised the issue of the functioning of that commission and whether it will make recommendations or determinations, because that will be a vital issue in the debate that the Opposition thinks will occur between the Commonwealth and the State concerning this issue.

I make a very interesting historical point. I refer to a new book that has recently been published on this subject by Father Frank Brennan. He has many critical comments to make about the Labor Party in this book, so one could hardly say that he is simply someone who supports the Labor case. In his book, *The Wik Debate*, he reports on the time early in 1998 when efforts were being made to bring about an agreement. Proposals were put by Senator Harradine to find a solution to the parliamentary impasse. They were somewhat similar to the proposals that were put later in the year that finally became the basis of the so-called Harradine amendment. Those proposals were stymied by the Queensland and the Western Australian Governments; the Borbidge Government in Queensland and the coalition Government in Western Australia. According to Father Brennan, the reason they were stymied was as follows -

> Richard Court and Rob Borbidge refused to give Howard the green light. The most they would accept was their own tribunal having the power only to make recommendations to their mines ministers.

I was very interested in that quotation because that is exactly the sort of legislation this Government has brought into this Parliament. The native title commission can make recommendations to the Mines ministers, who then consider it. It looks as though the chain of consideration goes from the proposed proponents and the native title holders to the commission and then to the Government that makes the decision. That does not appear to me to be an independent consideration of an issue by an independent tribunal. In the attempt to put that through in 1998, Brennan wrote -

> Howard did not have the political muscle and will to impose a final settlement on his State colleagues.

If it was not good enough for John Howard and Brian Harradine in 1998, why would it be good enough for them today? That is what this Government is giving them. The fact that the native title commission is precluded from making determinations under part 3 of this Bill raises serious questions about whether it meets the requirements of the Native Title Act. The Opposition's amendments will do a number of things: They will insert a statement of principle from the Native Title Act and provide for parliamentary and equal opportunity review and scrutiny. If the State will legislate in this, let us put our principles upfront at the beginning of the Bill so it is clear what we are doing, just as they have done in the federal legislation. We also propose enhancing the procedural processes in parts 3 and 5 of the Bill, which provide for the consultation alternative. In particular, the Opposition will seek to include provision for consultation in good faith and criteria for consideration by the native title commission when making recommendations, and better parliamentary and judicial review. The sorts of considerations that we brought to bear with our amendments are the sorts of considerations we bring to bear in all legislation that comes before this Parliament and that tries to establish due process and proper consultation.

Our amendments to part 4, which establishes a state right to negotiate, will ensure that there is equivalence with the Native Title Act by incorporating an amendment based on section 33 of that Act. The Government has come in with its own right-to-negotiate procedures, but they are different from those in the federal Act. That should ring alarm bells about the Government's intentions. We seek also to increase the status and independence of the native title commission by ensuring, among other things, that its chief commissioner is a lawyer, that its executive director has the relevant experience to do the job, and that the staff are appointed pursuant to the Public Sector Management Act.

We support the case of indigenous people in the north of the State to have the intertidal zone recognised as important to their culture and way of life. Consequently, we have included in part 3 land down to the low-water mark, thus providing for a right to consultation over any part of the intertidal zone which has a non-exclusion tenure. In our discussions with indigenous interests, they are particularly keen that their rights in respect of the intertidal zone are properly reflected in a state law.

We oppose the Government's attempt to reduce the area of vacant crown land subject to the right to negotiate. It piously assures us that a right to negotiate will apply over vacant crown land and then uses legalistic conjuring tricks to reduce the amount of land so defined from 34 per cent of the State to about 1.6 per cent of the State. It does not abolish the right; it simply removes many areas of application. Reasonable and fair-minded people would regard vacant crown land as land in which the only contemporary holders of ongoing interest are the State and potential native title holders. The fact that a lease to run goats on part of it was issued in 1895 and lapsed in 1898 is and should be seen as irrelevant. We will move amendments that ensure that expired non-exclusive tenures cannot have the effect of artificially and unreasonably changing the current status of a piece of land.

We propose all those amendments in the light of the fact that we are working within constraints. Under section 207 of the Native Title Act we are permitted to set up an equivalent body to replicate the functions of the Native Title Tribunal. Members should note the terminology - "equivalent"; our amendments are designed to achieve that equivalence. The federal

Act also allows the States to set out a state right to negotiate and a state right to consultation processes according to requirements laid down in section 43. Again, we have considered those requirements, put the Government's legislation alongside them and found serious failure. Why would the Government want to repeat the exercise of 1993 whereby its legislation did not shape up in terms of the requirements?

Because a commonwealth-state issue is at stake, we will seek also the tabling of all correspondence between the State and the Commonwealth on the legislation. There would be no point in our passing legislation which would fail the test of either the commonwealth minister or the Commonwealth Parliament. We have a duty to see to it that our legislation will withstand legal and political scrutiny. In regard to the native title validation legislation, the Government tabled all correspondence in respect of the schedule 4 interests from the Commonwealth Native Title Act. We would expect it to do that in regard to this legislation so that we can assess whether the legislation shapes up. Our amendments are designed to achieve that security. They are designed also to take into account the aspirations and interests of all stakeholders. It is only from such a fair and balanced solution that a state-based system will enjoy the support needed for its proper and efficient operation.

The State of Western Australia's record in relation to indigenous interests is not good. I use mild terminology when I say that the record is not good, but we have a chance with this legislation to set straight some of that record in dealing with indigenous people. If we are to establish a state-based regime, let us make it a decent, fair regime for all stakeholders in the process. Let us do something that we have not done before in Western Australian history and provide a decent regime.

It is sad to report that the small elements within our state law that exist to defend Aboriginal interests - I refer, of course, to the clause dealing with the right of access to pastoral leases - were forced upon Western Australia by the then British Government. The reservation in the Act, which dates back to the nineteenth century, was forced upon us by the British Government of the time. As we know, the British Government was concerned about what the colonists were getting up to in their relations with indigenous people. On this occasion we are not being forced to legislate by the Commonwealth Parliament; we are being given the offer to legislate; but let us do something different for a change. Let us, as a State Legislature, put forward balanced and fair legislation rather than legislation that will fail by way of judicial review, fail by way of commonwealth scrutiny, or fail the test of fairness and decency and therefore discourage many people from using it as a basis to claim for native title.

I end my speech where I began: We must continue to remember that there is nothing to stop Aboriginal people going to the courts tomorrow, claiming native title and starting a lengthy litigation process. How long did Mabo take? It was more than 10 years and it was very costly. Will there be development on the land while the court process continues? No, there will not. Let us make the statutory framework of law one that will encourage Aboriginal people to participate so that there is a timely, less costly outcome than we would have through litigation.

I fear that the Government of Western Australia is again the victim of its own prejudices, trying to get around the law, trying to cut corners and trying to overcome the problems that it sees rather than taking on board the right, giving it a bit of meaning, weighing it up against other rights and coming up with a decent solution for the people of Western Australia. Why can we not get it right on this occasion? After nearly 200 years as a settler State, let us try to get it right on this occasion. Instead of regarding the issue as a burden or a problem, the time has come for the State Parliament to recognise the native title challenge as an opportunity to demonstrate our capacity to bring together indigenous and non-indigenous Australians and to provide decent law. For too long the State Government has avoided confronting the reality that it is not just a land management issue, but an issue about people's rights and the way in which we view our community.

MR BRIDGE (Kimberley) [4.18 pm]: In the past 40 minutes or so the Leader of the Opposition has put forward a range of ideas on what his party sees as the approach to an important piece of legislation. Previous to that, of course, the Government put forward the legislative framework that it believes is the approach to the issue. Therefore, a sensible approach to the issue must be encouraged and pursued. It is not beyond the realms of possibility that this Parliament could frame very good legislation to benefit all people in Western Australia and to help unify our community. That outcome would be worth the effort. The two major parties which dominate the numbers in Parliament have indicated how they believe we should deal with the issue. In the time available to me I will refer to my impartial and independent position, upon which I hope both sides of Parliament will reflect.

One of the real tragedies of the native title debate and its framework is the incorrect approach to what this process means to the country. I described this situation yesterday at a cross-cultural workshop at which I was invited to speak: I said that one of the great tragedies in modern Australia is that the native title debate focuses on a point which intercepts history. We often lose sight of fundamental facts regarding native title and its evolution. The debate focuses on a given point in our history; however, native title, the subject of this legislation, had its origins back in 1788. The historical data of this nation indicate that Captain Cook landed in Australia in 1788, when he was greeted by a group of indigenous Australians. It is pointless to consider only the past 10 years of this country's history when endeavouring to produce good law. A horrible failure by this nation has been its inability to come to grips with native title. Notwithstanding that indigenous Australians greeted Captain Cook in 1788, we have continued as a nation to establish a system of government built on the fictitious notion that Australia belonged to no-one at the time of that meeting. Consequently, terra nullius found its way into the

statutes of our land. That fiction was challenged only in 1992. Therefore, for a long time it was a permanent feature of the statutes of this country. It was simply wrong. However, it was accepted and various jurisdictions made decisions based on the fact that terra nullius existed. We believed in it and made laws about it, yet clearly it was wrong. The High Court of Australia in 1992 decided that this notion was wrong and did not have a place in the laws of our land - the lands of this continent were not terra nullius. It went on to recognise the occupation of this country by indigenous Australians prior to white settlement, and outlined that the nation must be prepared to reject that fiction and to apply a set of rules giving proper regard to the truth.

Back in an early stage of the native title debate I went public in my support of the High Court Mabo challenge. I thought that a greater measure of unity could be achieved for the first time in this country by setting our sights on that truth. By focusing on that truth, this nation could be inspired to work sensibly to deal with the Mabo challenge, the High Court ruling and the subsequent processes the nation would be required to undertake. I now comment in Parliament about music rather than politics. I recorded a song titled *200 Years Ago* which highlighted the prospect of unity. I now quote an example of the coverage this song received. A Tamworth newspaper, *The Northern Daily Leader,* quoted my remarks in the following terms -

> Country music artist Ernie Bridge hopes his latest single will help to fulfil a dream - that of a unified Australia.

I felt very proud to be able to make that statement. The article continued -

> "If we fail to accept the truth of prior occupation -

I mentioned the word truth a moment ago -

> - Australia will never reach its full potential it will become an outcast in the international community and full and meaningful reconciliation will never be achieved," . . .

Further -

> "I think it is a special song because it is a very factual account of the historical features of Australia," . . .
>
> "In my view the song offers in a simple way the clear message that we need to commit ourselves to truth and then respect, and recognition will grow out of the whole process.
>
> "It is a vital objective which all Australians should aspire to - a unified Australia."

Mr Pendal: I hope you have a gold record for that.

Mr BRIDGE: I will tell the member what I did receive. I proceeded to echo those comments around the country. I spoke to Australians generally about the matter. However, in the main, I received little or no support for my position. I thought that indigenous Australians, and sound-thinking non-indigenous Australians, would have backed that theme to the hilt. However, my song did not receive that recognition. I advise the member for South Perth that the song was sent overseas and entered for an international award for films and videos in Charlestown in the United States of America.

Mr Pendal: Where it gained a silver award.

Mr BRIDGE: Indeed. It was second in the entire category; in fact, we were pipped at the post by Dolly Parton, which was not a bad effort. I do not refer to the notoriety of my music, but importantly that the message had to go outside Australia to gain the recognition to which it was entitled. That indicates that at that stage - unfortunately it is continuing - this nation had difficulty being mature enough to deal with such an issue. The song was designed to create that message of togetherness, respect, a unified Australia and a belief in the truth. Sadly, in my judgment we have not pursued that line strongly enough.

I now turn to native title as a follow-up to that historical set of circumstances of which I found myself a part in the promotion of unity in this country. Several fundamentals have worked against that theme and have worked against Australia establishing a good set of rules by now. People will work for many years down the track considering the resolutions necessary to meet the range of interests and circumstances with which this country is compelled to deal. The immaturity of the nation has plagued it. This nation has not been able to come to grips with the issue and that is sad. Somewhere along the line people must do that, no matter how well- intentioned or how well-delivered the legislative processes of the Parliament are. Legislators can do only so much, and a new set of rules in a country that has been without them for 200-odd years requires society also to come to grips with the issue and to assist the legislators to execute processes in which they rightfully are caught up.

A core of people in the native title process have vested interests. They do not always act in the best interests of the process or the community at large. I will touch on those issues. A few politicians have played native title as a political game. That is regrettable, because native title should never have become a political game. Many other issues are less damaging to society and are less able to attack the fabric of our society. It was wrong for a politician to enter politics on the native title issue. I will not name the politicians, but some individual Australian politicians have made this whole process less than

effective. Similarly, some sections of the mining industry in my judgment have not played the game fairly. Many have, but other sections of the industry seem to feel they have a legitimate and bona fide right to unbridled access to land irrespective of where it is located. They cannot have a system as free and easy as that. There is no doubt that some people in the mining industry have not helped the process, notwithstanding that other sectors in the mining industry have adopted a very responsible approach to this matter.

Without doubt, some self-appointed Aboriginal people have not done the cause any good. Some people have achieved notoriety and prominence for their so-called expertise, but they were self-appointed rather than appointed through the due processes by the elders and the assertive people within the Aboriginal community. Perhaps the most singularly lacking feature of the whole native title debate in Australia has been the minimal influence and involvement of the elders in the Aboriginal community. That is a tragedy. If ever a group had the most understanding and knowledge of working together in a compatible way, it is the elders in the indigenous society. They have come through a process of living with many difficulties and they have developed a lifestyle of getting on with others in society in order to survive. Therefore, they have the most profound knowledge and ability to provide the stewardship to Australia and the legislators in this process. The history, records and accounts of the native title debate show very little evidence of the presence of the elders in the whole process. That is a great tragedy. I refer, for example, to the land councils in Australia which have young people as chief executives, such as Peter Yu, who purport to represent the genuine position of indigenous Australians. Fair dinkum, they are still wet behind the ears. It is a tragedy that we, as a society, have allowed the intrusion of that sort of advocate into an area of fundamental importance to the indigenous Australians. The first prerequisite to getting this right is encouragement and involvement of the elders. After that, discussions should be held with the younger Aborigines who may be able to provide some assistance. This process should not have been dominated by them. Similarly, lawyers have had a field day on this issue.

The influence of non-Aboriginal players - I use that word advisedly and I hope it is repeated in the media and elsewhere - has also had a detrimental impact on this process. They regard it as a political game and it eases their consciences to get stuck into some parts of society. They have been prominent in this matter and that is a tragedy. At all given times, because the elders have not played a dominant role, a range of players have intervened and intercepted. The consequence is that the orderly process and the sensible way of dealing with this issue has been sidetracked. Today in this country an element of greed exists in the process which has been perpetrated by the influence of wrongful players. They have created such an environment of aggression, greed and perceived entitlements that society, similarly, has decided to follow their steps. At the end of the day people have felt that if they do not follow that line, they may miss out. Those have been very damaging influences in a situation which could otherwise have made things very much better for the nation and more realistic in terms of good law. The process could have resulted in laws that would survive changing events in the history of this country. If this Parliament passes laws that are not appropriate, they will not survive. There will come a period later on when events of the day will catch up with the inappropriateness of the law, and this nation will go through another dogfight to see whether the situation can be improved. Therefore, it is best that we introduce legislation based on a historical understanding of the issue. We should ensure that it will stand the test of time. If we achieve that, we will come close to arriving at a sensible outcome that will serve the community at large, which is what we should be doing. We cannot have legislation that caters to sectional interests, because it will not stand the test of time.

Indigenous Australians - not the self-proclaimed experts - as a general rule would like to see us proclaim legislation which gives due regard to their indigenous and legal rights and, at the same time, takes account of and recognises the rights of others. That is a fair deal and that is what we should be seeking to do.

Mr Pendal interjected.

Mr BRIDGE: I thought the member was enjoying my contribution.

Mr Minson: What do you think about the way the Federal Government and Keating handled Mabo? I believe it could have been handled much better. We could have had a positive outcome, but what we have is a shemozzle.

Mr BRIDGE: The member obviously saw my notes and knows what I intend to say next. That is unfair, but I will tell him what I think. In my judgment, Parliaments have made a mess of native title. The Federal Parliament got it wrong.

Mr Minson: I am pleased to hear you say that because I agree.

Mr BRIDGE: Members should consider the source of information and the so-called experts that the Federal Government of the day called upon. Where were the elders? They were not there; they were not involved in the preparation and drafting of the legislation. I tried to get Keating to understand that, but he would not listen to me in a fit. Therefore, I am not unhappy to say that the processes engaged in by the Federal Parliament have been nothing but a disaster, and the States have done no better. Legislators - be they commonwealth or state - have not done much of a job in introducing appropriate legislation.

As the Leader of the Opposition said, and I agree wholeheartedly, we have an opportunity to get the legislation right. We

must set our sights on getting it right and take account of the origins of native title. At the same time, we must implement a workable set of rules that takes into account the modern interests of a developing nation. This country cannot be allowed to remain caught up in paperwork, litigation and processes that delay its growth. If we alleviate that situation, we will be doing a very responsible job. If we do not start getting a few laws right, we will close down Australia. Australia is going backwards because every time someone talks about doing something, a thousand and one reasons are given why we should not do it.

Mr Court: That is right.

Mr BRIDGE: That is totally unacceptable in this country. We have responsibilities to future generations of Australians. It does not matter a damn what some people might say about our position; we must go into the trenches, dig deep and fight for our principles. We must think beyond now; we must think of a nation in the infancy of its developmental potential. It has not reached its full potential to accommodate the needs of its inhabitants and those who might join us. Nor has it come to terms with its obligations to its neighbours. We do not want legislation that entrenches us in longstanding arguments, perpetuating anger and uncertainty and heightening hostility.

I appeal to all members: Let us think about that process as we deal with this legislation. It is easy to identify and to preserve rights, but it is just as important to look at the other issues a developing nation such as Australia must embrace. It is our responsibility to create that environment for this nation's wellbeing. We must encourage the development of goodwill, which leads to respect and national unity. If we can achieve that, we will get along and we will consolidate our future.

Henry Lawson asked whether we will wake up too late to what has happened around us. We must get together in a very unified and disciplined way to work for the future of this country. We must not allow the parasites and activitists to steer us down the path of destruction. If we do, not only will they pay the price, but we will pay it too - and that price will be significant. We could lose a wonderful country. While I am a politician and able to express my point of view, I will echo those sentiments and I will fight for Australia's survival. In a hundred years, when we are no longer here, Australia will still be Australia - not known by another name - and our children and grandchildren will still be Australians. We must consider those deep-seated responsibilities when we deal with legislation such as this. It is not just about tomorrow's mining, claims or the other issues in our everyday life; it goes much deeper than that.

I again refer members to 1788. I hope the media will also look back, although it might be an effort - there comes a time in our life when a little effort is justified. I am in the trenches fighting about Australia's water supply, because I can see Australia being lost if we do not fight for water. I am proud to dig in the trenches and I ask others to come in with me and dig deep. As with water-related issues, it is just as important that we get laws like native title legislation correctly in place. I hope my words are heeded by others in the Chamber in the course of the next few days.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [4.51 pm]: Under the authority of the federal Native Title Act this Bill seeks to establish a state native title commission to perform many of the functions of the National Native Title Tribunal. The Bill also establishes the State's right to negotiate procedures for native title claimants and holders when future acts are to be performed on vacant crown land. In addition, the Bill seeks to establish an alternative consultation procedure for native title claimants and holders when future acts are sought to be performed on leasehold land or where acts involve compulsory acquisitions or mining infrastructure developments.

In the past the State Government has adopted a public posture which pretends that the Governments and Parliaments have the freedom to legislate as they want on native title issues. The State Government has adopted the posture that workability is the only issue when it comes to native title legislation. It has adopted the posture that any plausible solution to native title problems is an available solution to all Governments and Parliaments. Those postures are misleading and wrong when it comes to native title issues.

I want to cover some of the history of native title to examine some of the constraints that apply to Parliaments when legislation on these matters is to be considered. In 1992 the Mabo No 2 case recognised indigenous rights to land at common law. The judgment recognised that native title had survived the colonisation of this continent. The judgment produced an understanding among politicians that some sort of legislative solution was required. An alternative was to pursue native title claims through the common law process. It could have meant a case-by-case adjudication of native title claims at common law, which would have involved decades and decades of court cases and probably hundreds of millions of dollars of legal expense. It would obviously have been a very clumsy and expensive, time consuming and, from the point of view of the economic interests of the country, negative way in which to approach the issue. The Federal Government wanted a system whereby native title claimants would be included in a registration scheme. The Government also wanted to validate land dealings that occurred after 1975, after the passage of the Racial Discrimination Act. If Aboriginal people were to be asked to make those sorts of concessions, they had to be given something in return. Some statutory rights had to be offered to attract indigenous people to accept these requirements and to compensate them for the validation of the post-1975 dealings in land. Aboriginal people wanted some bargaining power with mining developments on the land in which they were interested. They wanted a right to negotiate with mining companies and access to a national tribunal independent of the industry and the Government. Of course, the Aboriginal people could have gone back to Mr Justice Woodward, who held

that their interests in land included the right to veto on mining interests, but in the discussions that argument was fairly quickly dispatched in favour of the right to negotiate. That was the basic deal that underpinned the Native Title Act that the then Federal Labor Government promoted.

We have heard a lot of criticism of that Native Title Act from the Premier and his ministers in particular. The Premier needs to understand that the balance of that deal was upset by the way in which the John Hewson-led coalition approached this debate. The Hewson-led coalition parties in the Senate voted against everything. They refused to be part of any majority in support of the clauses in the Native Title Bill. Those coalition senators left the then Federal Government with no alternative but to rely on Green and Democrat senators for the majority needed to pass the legislation through the Senate. The reliance on those Green and Democrat senators required the then Federal Labor Government to accept Green and Democrat amendments. One set of amendments which became very important amended the threshold test for the registration of native title claims. As a result of the Government's need to rely on those Green and Democrat senators to get the Bill through the House, the threshold test for the registration of claims was considerably weakened. To illustrate my point I will quote from Frank Brennan's book called *The Wik Debate*. At page 20 he quotes National Party Senator Julian McGauran and writes -

> Like World War I army commanders, the Liberals preferred a war of attrition fought from the trenches. Despite the urging of industry and senior Nationals, the Liberals would not shift their votes. They had stopped listening.

That strategy was important for the situation that has resulted in Western Australia. The Greens, the Democrats and the coalition must carry considerable responsibility for the mess that has resulted in the goldfields in Western Australia in which we have had all those multiple claims. Had the Federal Labor Government been able to rely on some support from coalition senators in the passage of the Native Title Act, we might have had a more reasonable threshold test and we might not have had the multiple claims in the goldfields. When the Premier and his ministers pour scorn on the original Native Title Act, saying that it is unworkable and sheeting home all of the blame to Paul Keating and the Labor Party, they need to remember the irresponsible role played by those coalition senators. This legislation has resulted in part from those problems with the original Native Title Act and from the decision of the High Court in the Wik case that native title had survived on pastoral leasehold land. That decision of the High Court required subsequent legislation, just as the decision on Mabo No 2 required legislation.

John Howard produced his famous 10-point plan, which made a provision in point 6 under the heading "Future Mining Activity". In Frank Brennan's description of this point of the 10-point plan he wrote that on pastoral leases the right to negotiate could be removed by the State provided that native title holders had the same procedural rights as pastoral lessees. That was the way in which John Howard sought to approach the application of the right to negotiate to the revelation that native title might still survive on pastoral leases. Naturally the 10-point plan was the subject of considerable debate in the Commonwealth Parliament. A compromise was reached which provided that the State could remove the right to negotiate with a mining company on a pastoral lease provided that native title claimants had access to a state tribunal making a determination, such a determination being capable of being overridden by a minister acting in the interests of the State.

I quote from Frank Brennan's book at page 83 about the attitude of this State Government to that compromise, as follows -

> Unfortunately in its final form, Harradine had to agree to the alternative State procedure being available on lands which were previously subject to pastoral lease even though they were now vacant crown land. This was an unprincipled demand of the Howard and Court governments.

When we come to the section of the Bill relating to consultation procedures on pastoral leasehold land, we will take up the comment of Frank Brennan that it was an unprincipled demand of the Howard and Court Governments that land subjected to historic pastoral leases, but now for all intents and purposes vacant crown land, would be subject only to the consultation procedures and not to the right to negotiate procedures.

The Premier has described the amended national Native Title Act as a compromise on a compromise. When he makes that statement, he implies that the only ones to have compromised have been the conservative Federal and State Governments and those people interested in economic development. It is clear from that sketchy history that I have outlined that compromises have taken place on all sides - it is all a compromise. The task of legislators is to find fair and workable compromises. If we do not compromise, the alternative is dealing with these matters by common law, and then to be faced with the resulting difficulties. Although the Premier's and industry's points of view might be that it is a compromise on a compromise, everyone has had to compromise in order to obtain some sort of legislative solution to the problems raised by native title. If no legislative solution had been reached, we would have returned to the case-by-case common law jurisdiction of these matters. If the solution that is reached is not sufficiently attractive to indigenous people, they will exercise their rights to return to common law as a way of solving these problems. That would not be in their interests or ours, but that is what they might be driven to if the solution proposed by the Legislature is not sufficiently attractive.

This Bill is subjected to a ministerial determination under section 207 of the Native Title Act. The commonwealth minister must determine that bodies, which the State Parliament seeks to have accepted as recognised bodies or equivalent bodies,

meet the requirements of the national Native Title Act. The commonwealth minister must determine that the state legislation is consistent with the Native Title Act. That determination is an administrative decision which is subjected to judicial review. In addition, the determination is subject to disallowance by either House of Federal Parliament.

This legislation can fail in three ways: It can fail because the commonwealth minister does not determine that it is consistent with the Native Title Act; it can fail because judicial review of the commonwealth minister's positive determination overturns it; or it can fail because it fails to satisfy the majority of the Senate that it is in accordance with the Senate's view of what the native title legislation was supposed to achieve. Naturally, the legislation could also fail in this Parliament for a variety of reasons. This Bill could be rushed through this Parliament and it could fail elsewhere as a result of those provisions of the Native Title Act. No matter how workable a piece of legislation appears and no matter how practical a piece of legislation appears, if it fails it is not workable at all. We must bear in mind the constraints which apply to this Parliament when we are making this legislation. After all, we have been down this road before. Once before, the State Government said that it had a practical, workable solution to native title issues; it had state legislation. What happened to that state legislation? It was thrown out by the High Court on a 7:0 decision. There is no workability to legislation which cannot jump the legal hurdles which will be placed in the way of this legislation.

The Opposition's position is to support this legislation, but to move amendments to it. It will vote for this legislation at the second reading stage, but it will have a significant number of amendments. If its amendments are carried in the upper House, the Government may face a choice of whether to proceed with its legislation. It will be the Government's choice whether to scuttle its legislation because it does not like the amendments, or whether to accept the amendments and allow the legislation to proceed. I know that the Government would like to promote the view in the community that if this legislation fails, the State will suffer negative consequences. I do not think that would be a correct argument. If this legislation fails, either because the Government does not like the amendments which are supported by the upper House, or because it fails one of the three tests which will apply in the federal jurisdiction, we will not be left without native title legislation; we will be left with the commonwealth Act - the Howard-Harradine legislation. An economic catastrophe will not occur unless the Premier is prepared to argue that his conservative federal colleagues' legislation is in some way a disaster. If the Premier's legislation fails, either because he scuttles it himself or because it fails to meet those federal tests, we will not be left with a Labor, Democrat or Greens Bill as the scheme that applies in this State; we will be left with the John Howard-Brian Harradine legislation as the scheme that applies in this State.

I will outline the values which have underpinned the approach which the Opposition has taken to this legislation. Firstly, it has agreed that it is desirable that a Western Australian approach to these problems should be adopted. Land management is traditionally a state responsibility. There may be benefits integrating the management of native title issues with the management of other titles. This State has a responsibility to promote justice and reconciliation. That would be good for Western Australia as a jurisdiction to tackle. It should accept that responsibility. Secondly, the Opposition has adopted the approach that there should be fairness and equity in dealing with Aboriginal property rights. Thirdly, it has adopted the view that the economic interests of the State should be protected. Because of the importance of the mining industry to this State, it must be aware of the problems which certain proposals might cause for the mining industry. We must protect the mining industry's access to land. In particular we need to be aware of the mining industry's need for timeliness and certainty with regard to that access to land.

Fourthly, we have adopted a healthy scepticism towards the Government's proposed solutions to native title problems. We are aware that the Government has failed before and that it has sought to exploit politically native title issues. On the basis of the Government's track record, we must give the legislation the most energetic scrutiny possible because, in the past, the Government has told us that it has had solutions to native title problems, but those solutions have been non-solutions in the end, when the legislation has been found to be unworkable not because of its internal provisions but because it has failed to meet legal requirements elsewhere, in particular in the High Court. There is, of course, the possibility that this legislation will fail to meet legal and political requirements elsewhere with regard to a commonwealth minister's determination, a judicial review of that determination or a Senate disallowance.

We have divided our amendments into seven categories: Firstly, to insert into the legislation a statement of principle and provisions for greater scrutiny; secondly, to enhance the procedural process in part 3, which deals with consultation procedures for alternative provision areas; thirdly, to enhance the procedural process in part 4, which covers the right to negotiate procedures for areas not covered by part 3; fourthly, to enhance the procedural process in part 5, which is the consultation procedure for renewals of non-exclusive agricultural or pastoral leases, compulsory acquisitions and mining infrastructure construction; fifthly, to improve the status and independence of the state native title commission; sixthly, to expand the scope of the land covered by the part 3 consultation procedures; and, seventhly, to expand the area of land which will be subjected to the right-to-negotiate procedures in part 4.

I now refer to some of the most important amendments in each category. In category 1 the Opposition proposes amendments to insert an objects clause. It proposes amendments to establish a joint parliamentary committee to report on specified matters and to have the Commissioner for Equal Opportunity report on the Act's effect on equality for Aboriginal people. We propose also a special process for the scrutiny of regulations made under clause 8.1.

With regard to the part 3 consultation procedures, the Opposition proposes to insert a requirement that the parties be required to consult in good faith on how to minimise the impact of the act on native title interests. In addition, an amendment sets out the criteria which the native title commission must take into account when considering the impact of the act on native title rights and interests. Section 39 of the Native Title Act includes a set of criteria which the national Native Title Tribunal is to examine when considering such matters. Our amendment proposes not precisely the wording of section 39 but a version of the section 39 criteria which was used in the Queensland legislation. We propose also to move an amendment providing for parliamentary disallowance of a determination of the minister to overrule a recommendation of the native title commission when it comes to recommendations under part 3.

With regard to the third category, we propose to move an amendment to insert the wording of section 33 of the Native Title Act into the sections which relate to what the parties can negotiate. Section 33(1) states -

> Without limiting the scope of any negotiations, they may, if relevant, include the possibility of including a condition that has the effect that native title parties are to be entitled to payments worked out by reference to:
>
> (a) the amount of profits made; or
>
> (b) any income derived; or
>
> (c) any things produced;
>
> by any grantee party as a result of doing anything in relation to the land or waters concerned after the act is done.

Mr Court: Have you put those amendments on the Notice Paper?

Mr RIPPER: We certainly will put them on the Notice Paper.

Mr Court: When will you do that?

Mr RIPPER: I will put them on tonight. We have actually made available to various interest groups and journalists full copies of the amendments and a commentary on them.

Mr Court: Can we have them in the Parliament as well?

Mr RIPPER: We will ensure that they are available to the Premier and the Parliament for consideration.

Mr Court: We hope to finish this legislation tonight.

Mr RIPPER: I hope that we do not go into committee tonight. That would give the Premier time to reflect on the advisability of supporting some of our amendments.

Mr Court: Normally, Parliament is given some notice of amendments.

Mr RIPPER: We have produced copies of the amendments and they are available. We expected the committee stage to be on Thursday, so that the Premier would have time to consider them.

Mr Carpenter interjected.

Mr RIPPER: As the member for Willagee points out, the minister gave us an amendment at 5.20 pm when we were dealing with the Titles Validation Amendment Bill. The guillotine came down at 5.30 pm, so we did not have much time to consider that amendment. We will give the Government more time.

I now refer to the wording of our proposed amendment to the right-to-negotiate procedures. Some people might be alarmed by it, but it is straight out of the national Native Title Act. It was inserted by the amendments to the national Native Title Act that were proposed by the Howard Government. We regard that as Howard Government wording which is in the Native Title Act, but unfortunately absent from the state version of the right to negotiate -

Mr Court: What amendment is that?

Mr RIPPER: That is to insert the wording of section 33 of the Native Title Act into the part 4 right-to-negotiate procedures as a matter on which the parties might negotiate. Again in part 4 we propose to provide that where the minister overrules a determination of the native title commission, either House can disallow that ministerial override. With regard to the procedural process in part 5, we propose amendments which are broadly similar to those that we propose for the consultation procedures in part 3. We propose a series of amendments to increase the status and independence of the native title commission. We propose that the chief commissioner must be a lawyer of at least five years' standing, that a judge can be appointed to emphasise the independence that we think the native title commission needs, and that the registrar of the native title commission should have specific qualifications and experience and should not be an officer of the Ministry of the Premier and Cabinet but an officer appointed pursuant to the Public Sector Management Act.

The Labor Party also thinks that staff should be appointed under that Act rather than be staff of the Ministry of the Premier and Cabinet. We do not want the native title commission to be a creature of the Ministry of the Premier and Cabinet. We want it to have the status and independence needed to satisfy the original intent of the compromise made by the Federal Parliament following the Wik decision.

My time is running out, so it is not possible to deal with the detail of the amendments in the remaining two categories; namely, the expansion of the application of parts 3 and 4. I will come to those amendments in the committee stage. The Labor Party would like to shift some of the land from part 3 to part 4 consideration, and to add some land to application under part 3. The State Government's record of failure, hypocrisy and belligerence on native title does not justify easy acceptance by Parliament of the legislation. Parliament should not allow itself to be bullied by the Government to pass the legislation either unamended or posthaste.

MR BROWN (Bassendean) [5.21 pm]: The minister's second reading speech stated -

> However, this Government was not prepared to take on the responsibility for native title while the federal Native Title Act remained fundamentally flawed and imposed an unworkable regime on any complementary state-based system.

It is clear from the record, and from comments inside and outside Parliament, that the coalition has been implacably opposed to native title and the Native Title Act. It has never taken into account the onerous task that faced the Federal Government when the Mabo decision was handed down and in trying to work through the complexities of that judgment. Indeed, it is unfortunate that a number of people within coalition ranks sought to exploit that judgment in a devious political way, and to pour scorn on the High Court and on people who recognised what the High Court had done in Mabo. It is important to return to the original decision of the then High Court, which comprised Justices Mason, Brennan, Deane, Toohey, Dawson, Gaudron and McHugh. Page 7 of the judgment outlines comments of Chief Justice Mason and Justice McHugh, as follows -

> In the result, six members of the court (Dawson J dissenting) are in agreement that the common law of this country recognises a form of native title which, in the cases where it has not been extinguished, reflects the entitlement of the indigenous inhabitants, in accordance with their laws or customs, to their traditional lands . . .

It then refers to the case in point; namely, Murray Islands. This represented a fundamental change in Australian law. Indeed, it was interesting to note that after that decision was made, all sorts of claims were made by members on the conservative side of politics in this country: For example, they claimed that the High Court was not an elected body and should not be legislating as such. Significantly, had it not been for that historic decision in the High Court, Australia would not have native title today. Whenever discussion on native title has arisen previously - certainly the Western Australian experience indicates this to be true - the conservative side of politics has shown no propensity to accept any notion of native title.

Also, many constitutional lawyers of this country held the view for some years that native title was always going to be determined at some stage by the court, particularly the High Court. In that regard, these lawyers looked at the constitutional issues and particularly decisions of superior courts in other countries with which we align ourselves. Senior constitutional lawyers expressed to me and others that it was not a question of whether the High Court would make this decision, but of when. It is perhaps an indictment of Parliaments around Australia, irrespective of which party was in power, that before the High Court decision nobody had the courage to grasp this issue and say that native title should exist. No-one in a parliamentary sense made decent proposals to make such recognition a parliamentary initiative. It is something of an embarrassment to Australia that this initiative had to be made by a court rather than by an elected Parliament.

It is also important to note how quickly opposition to the Mabo decision grew, and the extent to which that opposition was prepared to undermine the High Court. Let me start by referring to the preliminary overview of the Mabo decision which reflects the view of the Chief Justice and the majority, save Dawson J., as follows -

> The common law of Australia does not embrace the enlarged notion of terra nullius or persist in characterising the indigenous inhabitants as people too low in the scale of social organisation to be acknowledged as possessing rights and interests in land.

Interestingly, within the first six or eight months of the Mabo decision, we saw senior figures associated with the Liberal Party on the conservative side of politics criticising the native title notion. They said that Aboriginal inhabitants were so low in the form of social organisation that they should not be recognised in the same way as indigenous inhabitants of other countries which experienced European settlement had been recognised. Ridiculing and undermining the High Court decision occurred almost from day one of its release. The virulence of the criticism of the High Court and its rationale was remarkable. It painted a picture of what was to follow with any form of legislation to be introduced on this issue. This concept was never accepted by those conservatives. Conservatives did not say, "The decision is made, so how do we work within the context of the rights and entitlements established by the decision?" Rather, a determination was made to frustrate and undermine the operation of native title at every opportunity, possibly in the hope that in some way the conservatives could legislate to make native title meaningless. Such an attempt was clearly made in Western Australia with the Court

Government's earlier legislation. It is interesting in that context to consider the complexity of the legislation with which the Keating Government had to deal. One of the claims made by the coalition, at both a state and federal level, was that the federal Native Title Act was unworkable; they said that a workable piece of legislation was needed.

In that context it is interesting to look at the Mabo decision. Firstly, this was not a unanimous decision of the High Court; there were differing views. The justices agreed on some matters and found that native title did survive and that it was a common law right. However, there was no unanimity on other issues. The Chief Justice and Justice McHugh agreed with the reasons of Justice Brennan. There is a different judgment by Justices Deane and Gaudron. There are different judgments by Justices Dawson and Toohey. In each of those judgments, differing conclusions were drawn. In terms of determining the law and making something workable, the Federal Government was confronted with a High Court decision in which some fundamentals were settled, but other issues were still outstanding. The Federal Government then knew that Aboriginal people who had been denied native title for 200 years would not easily let go of the issues which had been raised by the High Court. They were not about to say, "We will now give up rights that we have, that we have always believed we had, and that have now been established in European courts under European law."

It is important to note the complexities of the issues that had to be dealt with when framing the national Native Title Act. I will quote from two of the tests which were itemised by the three justices. The decision of Justice Brennan at page 51 of the judgment states -

> Native title to land survived the Crown's acquisition of sovereignty and radical title. The rights and privileges conferred by native title were unaffected by the Crown's acquisition of radical title but the acquisition of sovereignty exposed native title to extinguishment by a valid exercise of sovereign power inconsistent with the continued right to enjoy native title.

Item 6 on the same page states -

> Native title to particular land (whether classified by the common law as proprietary, usufructuary or otherwise), its incidents and the persons entitled thereto are ascertained according to the laws and customs of the indigenous people who, by those laws and customs, have a connection with the land. It is immaterial that the laws and customs have undergone some change since the Crown acquired sovereignty provided the general nature of the connection between the indigenous people and the land remains.

One could also quote from page 83 which contains the decision of Justices Deane and Gaudron dealing with the rights and entitlements of Aboriginal people to land. The framing of the national Native Title Act by the Keating Government, and all the discussions that took place at the time between the interests of the mining industry, pastoralists and Aboriginal people, was an attempt to blend those interests to find a solution that would cater for those different interests, recognising the right that had been established at common law for Aboriginal people to pursue their interests if a balance was not struck with the national Native Title Act.

At the time, this was a novel and complex piece of legislation for Australia. Like every piece of novel legislation, we will never get it right the first time around. Indeed, during the short time I have been in Parliament, the coalition has introduced three or four amending Bills to its legislation - in many instances much simpler legislation than that relating to native title - simply because it was not right. No-one was suggesting that when the national Native Title Act was introduced it would be the perfect piece of legislation for ever and a day. One will find faults with it as one will find faults with every piece of legislation, particularly with a piece of novel legislation dealing with a highly complex issue in which actions can be taken outside of that legislation in the common law and in which the Federal Parliament tried to deal with native title matters within the legislative framework that was established. In political terms, all of that was put aside because, from a coalition point of view, it was a great issue about which to campaign, to raise fears and to tell people that their backyards would be claimed. In the majority decision and the decision of Justices Deane and Gaudron, it was stated that freehold land was inconsistent with the continuation of native title interests. Notwithstanding that, we still saw the peddling of this falsehood that somehow a native title claim could be successful on freehold land, contrary to the view expressed by the majority of those who comprise the Full Court of the High Court.

The Premier has continued with the rhetoric by referring to the original Native Title Act as an unworkable regime and stating that the State would not work within that unworkable regime. That was a good excuse because, in principle and in philosophy, the State did not want to work with it in any event. Politically that stance was not acceptable, particularly as the State was trying to build some bridges with the Aboriginal community. The way in which the Government deals with that duplicitous situation is to claim that it wants to work with it, but it cannot because it is unworkable. That was the political way in which the coalition dealt with that piece of legislation. Many of those dealings have now been exposed.

In his speech, the responsible minister stated -

> Before concluding, it must be said the processes covered in this legislation, designed to comply with the federal legislation, are incredibly complex. The Government is totally committed to making the processes workable, although we fully appreciate that in practice that will be a difficult task.

Is that not an interesting quote? The minister stated earlier in his speech that the national native title legislation is unworkable and complex, therefore the Government will not have anything to do with it. He states that it is a very difficult and highly complex piece of legislation and the Government will try to make it work. If that is the case, why not try to make it work from day one? What was the difference? Was the difference related to the fact that it was a piece of legislation by a Federal Labor Government? We are still dealing with a highly complex piece of legislation. The federal Native Title Act, as my colleague the member for Belmont said, has now expanded dramatically. The federal Act did not shrink; it expanded dramatically. We have yet another piece of legislation, and one cannot read the state legislation unless one refers to the federal Act, because the Bill refers to sections in the federal Act. The Bill is huge, and it must be read in conjunction with the federal Native Title Act. Yet suddenly its complexity is not a problem, and the Government has decided to deal with that complexity. I have never seen such a dramatic somersault away from what is contained in the second reading speech.

The coalition was keen to extinguish native title wherever possible. It is somewhat unfortunate that in neither the second reading speech nor debate on the second reading of the Bill last week did we hear an admission that the Bill is an endeavour to extinguish native title wherever possible. At least the Deputy Prime Minister, Mr Fischer, had the courage to say to his National Party supporters, "This legislation will deliver bucketfuls of extinguishment and we are proud of it." One would think that the Premier would have the courage of his convictions and also say, "This legislation is about bucketfuls of extinguishment, and about denying native title claims at every conceivable opportunity. That is what we want to do, and what we have done in this legislation." The Premier does not follow the honesty of the Deputy Prime Minister, who was honest about the intentions of the Howard Government legislation, and what it was designed to do.

This legislation is based on the revised federal Native Title Act. It is interesting to note that one of the shameful points in Prime Minister Howard's 10-point plan, all of which in his view were necessary for workable legislation, was the removal of the Racial Discrimination Act. How does Australia stand internationally when it argues in international forums, such as the United Nations, the International Labour Organisation, and various other forums, that the underpinnings of the Racial Discrimination Act should not apply to dealings with Aborigines? How do Australians hold up their heads in that context? I have participated in some of those international forums and dealt with these types of issues internationally, and I do not know how Australia can be proud of that. I do not know how Australia can lecture other countries on human rights issues, when that is what it proposed.

I will run through some of the issues that will need to be dealt with during the committee stages. The first issue relates to the openness and transparency of the processes set out in the Bill. Changes should be made to ensure that the processes envisaged by the Bill are more open, so we can easily understand what is going on, particularly so that those people who may be affected by arrangements under the Bill are given due notice. I am also concerned about the level of ministerial power that may be exercised under the Bill. Ultimately, a minister of the State might determine certain matters concerning the future development of the State. However, ministerial power under the Bill is far more extensive than that of the public interest test. Another issue is consultation and what that means, and the way in which that word is written into the Bill in lieu of the right to negotiate. Further issues include the right of appeal, and the prohibition on certain forms of compensation. They are some of the concerns that I see with this legislation.

It is a difficult issue. It has been difficult from the day the High Court handed down its decision. However, it can be dealt with in either of two ways. The first is to embrace the High Court decision and to make it work by endeavouring to put forward the best possible plan in the interests of all parties - Aboriginal people, the pastoral industry and miners. The second is to use it for political purposes to play one group off against the other, and to try to frustrate the decision of the High Court. I am reminded in many ways of the type of controversy that surrounded the environment movement in the early 1970s, when there were clashes between people with an environmental bent and the mining industry. These days it is accepted that any proposal to mine must include a clear environmental plan. When a mining operation leaves a site, it must be left as undisturbed as possible. Twenty or 30 years ago, people were saying that the green movement would destroy the mining industry. It did not do that. In fact, the mining industry has adopted sound environmental practices, and, in many instances, has become a leader in environmental issues. However, at that time people were predicting dire consequences for the industry because it would be required to comply with reasonable environmental standards. We would laugh at anyone who suggested that today. With goodwill, issues of native title can be dealt with in a way which is beneficial to the industry, Aboriginal people and the State. I would like to play a small role - which is all one can do in these matters - in ensuring that any legislation that this Parliament adopts will make a positive contribution towards that end.

MR CARPENTER (Willagee) [5.49 pm]: A certain logic gets played out in the development of societies. The logic leads to inevitable ends. We are part way through such a process in our society. The experience around the world has shown that where citizens have their basic rights suppressed or denied, eventually there will be a shifting of their status, such that those rights are accorded to them and are exercised. In Australia the process relating to indigenous people has been painfully slow. It has happened only incrementally and infrequently as we have taken steps along the road to recognising the basic rights of our indigenous people.

Perhaps the first major step towards this Bill was the passage of the Racial Discrimination Act through the Federal Parliament in 1975 under the Whitlam Government, followed by the passage of land rights legislation, which applied in the

Northern Territory, by the Fraser Government. Attempts to replicate that or to take the issue of land rights into State Parliaments has been successful only to varying degrees, and in Western Australia we have heard not only tonight but many times before about the unsuccessful attempt of the then Labor Government in the 1980s to address in legislation the principle of land rights.

Once the High Court of Australia had made its decision in 1992, after the 10-year Mabo case, the ground rules changed. I believe, and I think the Government now believes, that they have been changed irrevocably, and in my opinion for the better. The decision of the High Court forced Australians to confront certain social policies that had been part of the fabric of our society for a very long time, which had been unjust. The High Court pointed out the injustice of that and allowed the Parliaments of Australia to put a legislative framework around the circumstances that had been newly recognised by the court.

The decision caused a great deal of debate around the nation and in many instances a polarisation of views about what should be done to address the decision of the High Court on the Mabo case. I refer to a statement in 1992 from a very eminent Australian about the decision of the High Court. It states -

> "By doing away with the bizarre conceit that this continent had no owners prior to the settlement of Europeans, Mabo establishes a fundamental truth and lays the basis for justice.
>
> "It would be much easier to work from that basis than has ever been the case in the past.
>
> "For that reason alone we should ignore the isolated outbreaks of hysteria and hostility of the past few months.
>
> "Mabo is an historic decision - we can make it an historic turning point, the basis of a new relationship between indigenous and non-Aboriginal Australians."

That statement came from Paul Keating when he delivered the Redfern speech, as it is now known, on 10 December 1992. I think Keating was pointing out that as a nation we had come to a crossroads, where we could internalise the new reality that had been provided to the nation by the High Court and try to come to an outcome that was beneficial to everyone; or we could resist it and in so doing ignore the inevitable and pay the consequences. It is sad to say - I mentioned this in my remarks on a previous Bill - that the Western Australian Government in 1993, when it addressed this matter legislatively, chose to resist what I think had become the inevitable. It tried to deny the notion of native title and it denied the State the opportunity of grappling with a very complicated and important development in a positive way.

I will illustrate the difference between the position Keating took and that which this State Government took in its rush to legislate in 1993. This was a most unusual period of this State's history, for those who remember it clearly, when there seemed to be a battle between the Federal Government and the State Government about which Parliament could legislate on native title first. We had extraordinary scenes in the Western Australian Parliament, including in the upper House where the passage of the legislation was guillotined, if I recall correctly. I contrast the challenge by the Western Australian Government to the High Court relating to the federal legislation and the decision of the High Court to the Western Australian legislation with the sentiments outlined by Keating in 1992. The judgment of the High Court on the Western Australian legislation states -

> The primary submission of the State of Western Australia is that native title came to an end upon the establishment of the Colony of Western Australia by reasons of the steps taken to establish the Colony. Alternatively, the State submits that native title in Western Australia was wholly and irrevocably extinguished by the W.A. Act.

I think we got off on the wrong foot, to put it mildly, in 1993 when we tried to address a very complicated issue. To put it in geological terms, we could liken it to the shifting of the tectonic plates of land tenure in Australia. Suddenly a new tenure emerged which had been denied for the history of the nation until that time - the tenure associated with native title. By trying to extinguish native title and by engaging in an unfortunate public debate, this State Government did itself great harm. It made itself look amateurish and stupid in the eyes of the rest of the nation and the world. It also lost a lot of credibility in the eyes of indigenous Australians; in particular, those in Western Australia who had enjoyed for a brief moment the prospect of being treated as equals before the law in this State after a long period in which they had not been.

Given the background of this State Government, it is difficult for groups of people who historically have not shared its position to feel comfortable about the establishment of a Western Australian native title commission to deal with native title in this State. Let us set aside the history of Western Australia until 1992-93, from which Aboriginal people could gain very little solace. The actions of the State Government after that time have made it extremely difficult for indigenous groups to trust it and to believe that it is acting in good faith when it deals with the native title issue. I have raised this rhetorical question before in this Parliament: Can members imagine how they would feel if they were Aboriginal persons with potential native title claims in Western Australia, knowing that the Western Australian Government was about to take over the determination of native title issues in this State? I do not think we would have much confidence of being treated in a fair and equitable way, and in believing that we would be treated as equals before the law by a government, given the position this Government has taken since 1992.

Let us look at the proposed legislation that the State Government has put up. If we were Aboriginal persons, our fears would probably be reinforced. In fact, I know those fears have been reinforced because the Labor Party has consulted widely with Aboriginal people and representatives of Aboriginal groups about their reaction to this piece of legislation. They are very concerned about the impact the legislation will have, the way the proposed new native title commission will be conducted and the way their legal claims will be treated before that commission. Not surprisingly, many people in the indigenous community, and those who support their cause, if I can put it that way, believe that the best outcome of the current debate in the Western Australian Parliament would be for this legislation to fail, because if this legislation fails, native title issues in this State will continue to be addressed by the National Native Title Tribunal, and no Western Australian native title commission will come into operation.

The passage of the Wik amendments through the Federal Parliament has diminished the rights of indigenous people in relation to native title in comparison with their standing prior to the amendments. For that reason, a window of opportunity, if I can use that 1980s cliche, exists for the Western Australian Parliament to improve upon the Howard-Harradine legislation, which is what is being offered in prospect to indigenous groups by the Labor Party in this State. That is why the indigenous groups that we have spoken to recently are not opposed to the amendments that we are putting forward to the Court Government's legislation. Although they are uncomfortable with the fact that they will have to deal with a Western Australian native title commission, they believe, and we believe, that if the substance of the Labor amendments to the Government's legislation are accepted - a time may come in the upper House when the Government will have to seriously consider accepting those amendments - we can provide a workable and just framework of legislation for native title in Western Australia.

It remains to be seen how the Government responds to the amendments that we are putting forward in addressing this legislation. The last thing that we, as Western Australians, should want to eventuate is an ugly brawl over the final passage of legislation in the upper House and for this to become a deeply divisive political debate thrusting one group against the other, Aboriginal people against the mining companies and so on. We can avoid that. The amendments to this legislation which we will put forward are reasonable. Some of them have been outlined already by the Deputy Leader of the Labor Party. They are reasonable.

It is essential to bear in mind that we are dealing with the fundamental human rights of a group of indigenous people in our very own community. We must also bear in mind the commercial and other interests of groups such as the mining companies, developers, pastoralists and so on. However, in essence, we are dealing with a fundamental issue of human rights. We have to make a decision perhaps about which interests will prevail and which interests will have primary consideration, or whether we will sweep them aside, as we were exhorted to do by the member for Albany in his tragic performance in the Parliament last week in the name of progress. He reminded me of a character from the movie *Muriel's Wedding* who consistently mouthed the theme, "You can't stop progress. Nothing can be allowed to stop progress." He was the mayor of Porpoise Spit, portrayed by Bill Hunter in that film.

People cannot be denied their basic rights. Those days are over. In much of the world, they were over a long time ago. In this country, because of our peculiar relationship with indigenous people, the time for the sun to set on those attitudes has been a long time coming. However, it is here. We cannot turn back the clock. Therefore, we have some fundamental decisions to make in the Parliament within the next couple of weeks, or, if the Premier's interjection is to be taken seriously, perhaps within the next couple of days. However, it is to be hoped by everybody in the Parliament that we can reach a reasonable decision.

There have been some major changes to the legislative concept of native title as a result of the passage of the Howard-Harradine amendments through the Federal Parliament. Basically what they have done is to allow the whole issue of the determination of native title to be shifted away from the responsibility of the Federal Government, which has historically had responsibility for Aboriginal issues in this country, to the States. Perhaps to appease the desires of the Western Australian Government - I do not know because I was not a party to the negotiations - the Howard Government's legislation opens up the possibility of a significant diminution of the standing of Aboriginal people via virtual elimination of the right to negotiate and its substitution with a right of consultation or the right to consult. The right to consult or to be consulted has lesser standing in the law. I ask members once again to see it from the perspective of Aboriginal people in the light of the history of Western Australia and ask, from their perspective, what will consultation actually mean? When the Western Australian Government says it will consult, what does it mean by that?

Therefore, one of the fundamental amendments that we are putting forward is to insert the words "in good faith" after the words "consultation" or "to consult". To consult in good faith with a view to coming to an agreement would be even better, because simply to notify people of an intention could be construed as being to consult. It is interesting to consider the federal native title legislation. It refers to the right to negotiation in good faith. However, when it refers to the capacity of States to take over the determination of native title, it becomes a much lesser concept, and that is simply to consult. If "consult" merely means notification, it has absolutely no meaning.

The objection that we have to the concept of the right to negotiate and consultation in good faith that has been put to us by

the mining interests in Western Australia is that the right to negotiate was effectively - I use their word - abused by native title claimants and transformed into a right of veto. However, the right to negotiate need not necessarily mean the right to veto. If the negotiations are held in good faith, it is far less likely to mean the right to veto. Aboriginal interests to whom we have spoken consistently reassure us and say that they have reassured everybody else who cares to ask them that they are not in the business of preventing development but are protecting their interests. If there is to be some impact on their interests, they want to obtain some form of compensation or involvement in the project, perhaps through employment or economically. Obviously that poses difficulties for some mining companies. The State Government has missed a great opportunity to play a proactive role in bringing the parties together. I do not accept the assurances that were made in the Parliament last week that the State Government has consistently said that. If I were to accept that assurance from people who have proven to be unreliable in the past, I would be refusing to accept the position put to me by people who say that they have knowledge of some of the projects and the State Government has wilfully disrupted negotiations and tried to prevent agreements being made. The State Government was negligent in declining the opportunity to take a proactive role in bringing parties together to ensure that the right to negotiate was manifest with a view to agreeing to allow projects to go ahead. Instead it took an obstinate and obstructive role in a substantial number of cases. Therefore the Opposition believes that the insertion of the words "in good faith" is important.

The right to negotiate flows down from the federal legislation into state legislation relating to vacant crown land. The problem is that an infinitesimal part of Western Australia is categorised as vacant crown land; in fact, the figures provided to the Opposition show that the figure is 1.4 or 1.5 per cent. We believe that current vacant crown land should be considered as vacant crown land. As the Leader of the Opposition has already said, where historically leases may have been granted over land which is now considered to be vacant crown land, the granting of those leases should not prevent the land being categorised as vacant crown land and therefore falling into the "consultation only" part 3 provisions. We will be seeking to amend the scope of part 3 which effectively increases the range of part 4 by determining that vacant crown land be considered as current vacant crown land. As the Leader of the Opposition has said, in essence, that would increase the amount of vacant crown land over which the right to negotiate still prevails to about 34 per cent of the State rather than 1.5 per cent. It is a very significant difference. I hope that the Government considers that amendment thoughtfully and does not adopt its time-honoured position of taking a hysterical reaction to it. I do not believe that it is unreasonable and it should not necessitate frustration and clogging up of the system for the approval of mining leases and so on. With good faith on all sides agreement should be able to be reached through the right to negotiate. We must always bear in mind the fundamental human rights of the indigenous groups. Why should they not have the right to negotiate over developments on this land rather than merely being consulted? Other debates about developments in the education system have taken place in the Parliament this year and on the front steps of Parliament House we have heard parents screaming that they have not been consulted, although the Minister for Education says that they have because he has told them what will happen. Is that consultation? The Opposition's amendment is eminently reasonable.

Another significant amendment to the categorisation of land provisions relates to the intertidal zone. In his speech the Leader of the Opposition referred to the intertidal zone provisions that we will be seeking to include in the Bill by extending the scope of part 3 to the low-water mark rather than the high-water mark. For those who do not deal in high and low-water marks it probably seems insignificant, but it is a major point for coastal Aboriginal groups who use the intertidal zone or beach area where the tide comes in and out, which is a very significant area in the north west. Their request that the intertidal zone be included is not unreasonable.

We should also look seriously at the structure, personnel and powers of the native title commission. I find it remarkable that the Federal Government's legislation has apparently allowed the State Governments to set up alternative commissions, letting them get away with those commissions' recommendations to the minister rather than making determinations. The National Native Title Tribunal makes determinations. As I read the legislation, the State Government is proposing that its native title commission make recommendations to the minister and that the minister then make the determinations. I understand that the relevant minister is the Minister for Mines. If ever there is a potential conflict of interests, it lies right there. To demonstrate some good faith, which in my eyes it has so far failed to do, the Government needs to set up a native title commission with real powers of determination, at arm's length from government and overseen by a senior legal figure, preferably a judge. Our amendment seeks to ensure that the person is a legal practitioner of some standing and experience. To leave open the possibility of the State simply setting up a body that represents an extension of the powers of the Premier's office sends all the wrong messages and signals to the people who potentially will be the most directly affected in a negative way, they being the indigenous groups of the State.

We will hear more about the amendments later on. If the Government declines to accept the amendment relating to the personnel and structure of the native title commission, it will be making a joke of the whole process and it will be an insult to the indigenous people. If the minister is to make determinations, then we believe that either House of Parliament should have the power to override decisions. Let us not have a mickey mouse native title commission. If we are to have a native title commission at all, let us have a bona fide one which is overseen by a senior legal figure, independent of the reaches and powers of government in this State, so that we can inject some good faith into the debate on native title.

The Government has a lot of ground to make up. There is no point in the Premier's acting like King Canute, who I believe is historically misrepresented. I think he was trying to demonstrate to his people that he did not have superhuman powers and that he could not stop the tide from coming in. There is an inevitability about what will happen in some circumstances. There is no point in the Premier of this State standing up and railing against the inevitable. In the end Aboriginal people will receive justice, whether from this Government or some Government in the future. In the meantime we, as legislators in Parliament today, will bear the odium if this opportunity to deliver justice to Aboriginal people is not taken. With that in mind, I urge the Government to seriously consider our amendments.

MS ANWYL (Kalgoorlie) [6.19 pm]: It is now trite to say that this legislation is extremely complex, that it requires a great deal of attention before one can come to grips with it, and that we must get it right this time. Nevertheless, all those things are true. As a humble opposition backbencher, I can tell members that it is not easy to wade through the volumes of material that are available on this issue. I am very pleased that today I obtained a copy of the report of the Select Committee on Native Title Rights in Western Australia. That is a useful document to assist members of this place to look at the breadth of the issues to which this legislation refers. I refer to the report of the select committee which was handed down last week.

The Western Australian Government, the Federal Government, and the various parties affected by native title in Western Australia have clear choices in front of them; that is, litigate, legislate or negotiate. To a large degree the Court Government has tried to legislate native title out of existence. Members know the history of that and I will not go through it again. It is worth remembering that the Premier has credibility problems, especially when one considers the comments he made about these matters early in 1993. Shortly after the 1993 state election, the Premier was urging the Federal Government to help protect the ownership of land threatened by the recent Mabo decision. He was quoted in *The West Australian* on 10 May 1993 as saying -

> . . . Mr Court endorsed WA Liberal president Bill Hassell's comments about Mabo - that the High Court decision was illegitimate, illogical and racist.

We must remember that comments such as these have been made in the past. The Premier enjoys travelling to my electorate to tell the people who live there that he is concerned to find a speedy solution to this issue. Of course we must have decent legislation, and of course we must have legislation, but the negotiation option has not been properly pursued by this State Government. Anyone who has any experience in negotiation will say that it requires some goodwill. If goodwill is absent between the parties, it will be extremely difficult to find a workable solution.

Mediation services across the whole justice field, whether it be Family Court or civil disputes, are seen more and more as the way to achieve a result that perhaps not everybody is happy with, but that different parties can live with. We know that negotiation and mediation is much cheaper and speedier than litigation. Not only does it save acrimony between the parties in many instances, but it is also a much cheaper option in long-term resolution, and also in the cost of justice for the State. Anyone who has had anything to do with the legal profession will say the cost of justice is a severe concern in Australia as we approach the next millennium. The negotiation option is the cheapest and the most likely to work, but it requires some goodwill.

The best expression for what I think exists in the Kalgoorlie-Boulder area is litigious spaghetti. If one looks at a map of the native title claims that cover Kalgoorlie-Boulder, one sees that eight exist over the townsite, but, as many members know, up to 27 native title claims exist in further areas. We must remember that the State has federal legislation. This state legislation does not come to the Parliament in a vacuum; federal legislation exists. The two major impacts, although there are many lesser impacts, relate to the land release issues and the mining industry. The building industry is nervous about its future if the land release problems are not resolved and it is nervous about the impact the issue will have on the ability of ordinary people to afford to build or buy housing. Employment is the concern of many people.

The report of the select committee provides much factual data about the number of titles, mining applications and so forth that are pending. At the end of the day, the best evidence is to simply go to any drilling contractor and look at the number of drilling rigs that are lying idle, and to look at the number of drilling contractors who do not have employment in the exploration field as they did in the past. One does not need to look much further than that to obtain a very good indication of the type of exploration that is occurring. We know that the bulk of the exploration that is occurring in the goldfields is brownfields, not greenfields, which will create major problems in the future. However, my electorate has also felt the impact of a raft of problems including lower commodity prices - that is certainly not the fault of native title - and the inclusion of a number of new taxes and charges that have impacted on the mining industry. Those taxes and charges have been imposed on the mining industry by conservative State and Federal Governments. I do not have time to detail them now.

I am extremely concerned to ensure that this legislation is workable and provides certainty because at the end of the day workability and certainty will deliver benefits for my electorate without losing sight of the need to ensure that goodwill is fostered for the purposes of negotiation. I am also concerned that this legislation will be able to jump the hurdle set up by the federal legislation. I think clause 206 of that legislation will require the approval of both Houses of Federal Parliament. When the Premier sums up, I hope he will address the steps that have been taken by both his Government and his legal advisers to ensure that the proposals that are before the House will meet that test.

The Premier gets a real kick out of travelling up to my electorate and giving me a hammering on this issue. He puts out as much as a media release a week attacking me on this issue. Quite rightly, much concern is expressed about the economic impact of this legislation and nobody can overstate that because it is so important. I am concerned not only about the legislation's economic impact, but also about the social impact. We often hear that politics is the art of the possible, but politics is also the art of making what is necessary possible. It is necessary that an improvement is achieved in race relations in my electorate because politics must always be about the balancing of competing interests and priorities. That will never change. As legislators we have responsibilities other than those which relate purely to economic impact. We have a responsibility to ensure the certainty and workability of this legislation, and we must examine the direction in which we, as a society, are moving.

The Premier has made misrepresentations about my stand on this legislation. I made some comments to the media in response to his visit to my electorate on 2 October, the day before the federal election. He came to Kalgoorlie twice during the federal election campaign. On the first visit, he was at the Kalgoorlie Cup where about 16 000 people were in attendance. He had the federal Liberal Party candidate glued to his side as one would expect and opened the Liberal Party campaign.

Mr Shave interjected.

Ms ANWYL: We have not heard a peep out of the candidate since he was elected, but we will live in hope.

The second time the Premier came up, he hotfooted it to the local media and made a big speech about native title. At that time, I made some remarks to the local media in response to the Premier's comments. I said that I thought it was important to look at the Premier's track record on this and to see exactly when he will present these Bills to Parliament and makes sure that he stops playing politics and really works towards finding a workable piece of legislation.

I hope the Premier will indicate how much consultation has taken place in the development of this legislation. I never suggested that it was important to introduce the legislation, put a rubber stamp on it and send it on its merry way. I said that this Government has zero credibility on this issue. It is all very well to turn to what I perceive to be the more marginal and vulnerable members in country areas, such as myself, and say -

Mr Shave interjected.

Ms ANWYL: I am not half as vulnerable as the Minister for Lands will be at the next election.

Sitting suspended from 6.30 to 7.00 pm

Ms ANWYL: This is a very important piece of legislation. With regard to the critical issues to which I referred in and around Kalgoorlie-Boulder as litigious spaghetti, we should be at least part of the way towards finding a solution under the federal legislation which is now reality, although it is not too much out of the question that some form of court challenge will be made to it. As I said, our three clear choices are litigating, legislating or negotiating. We must ensure that we put as much emphasis as we can on negotiating because it is cheaper, involves less acrimony and is more effective.

Although the Premier is not here I will ask questions to which he may respond later. The threshold test has been dealt with under the federal legislation. I am keen to hear the Premier's view on what benefits he expects will flow to the vexed situation of overlapping claims in and around my electorate. In some cases the record is about 27 overlapping claims on one piece of land. The splitting of claims has occurred between family groups. Some of that overlapping does not represent 27 completely isolated claimants; nonetheless, splitting has occurred within family groups which means, for example, that sisters and brothers can have separate claims. That is not desirable from the point of view of family harmony, let alone harmony in the greater community.

Apart from the mining industry, land release is a huge issue. The cost of land in Kalgoorlie-Boulder has always puzzled me. I arrived there in 1990, long before the Mabo decision, when land was expensive and in short supply. The reason for the short supply is more complex than simply the native title issue. I have found that many people in Kalgoorlie-Boulder have noticed a growing tendency to blame each and every ill, whether it be economic or social, on the native title situation. When I say that, that is not to lessen the real problems we face as a community in coming to terms with the number of claims that exist and the unwillingness of at least one group of claimants to reach agreement.

However, the social impacts are real as a result of what we have seen. In part, this Government must bear some responsibility for those social impacts. I have little doubt that racial tension has increased largely as a result of the difficulties perceived by the community, irrespective of whether they are real. I am sure in some cases they are real but in other cases problems are only perceived because native title has become the scapegoat for many problems. Tension has increased between groups in the Aboriginal community, particularly those who come from competing claimant groups. I recall having conversations lasting more than an hour with the previous federal member for Kalgoorlie, in the wake of the Mabo decision, about how the Keating legislation and other factors might impact on Kalgoorlie-Boulder. I must defer to him inasmuch as I disagreed with him in those years about whether problems between Aboriginal groups would increase. I did not think that would occur; however, it has occurred. That was a consequence he foresaw.

The report of the Select Committee on Native Title Rights in Western Australia refers to that increase in disharmony. There is a real need to ensure that native title settlements are for the benefit of all Aboriginal people. I had this argument out several years ago with some solicitors working for the Aboriginal Legal Service. They said that no provision existed in the law that ensured that non-indigenous people must share the spoils of civil litigation, for example. Clearly the intention of the recognition of native title rights under the federal legislation has been, in part, motivated by the wish to ensure better facilities and conditions of life for Aboriginal people generally. That is very clear from speeches such as the Redfern speech by former Prime Minister Keating.

The role of representative bodies has not been utilised as well as it might be. Major problems have arisen with the Goldfields Land Council. It is vital that all representative bodies are properly resourced. I remember visiting the Kimberley Land Council four or five years ago and being amazed to discover that it had four and a half lawyers. However, the Goldfields Land Council had not at that stage employed a solicitor. I hope that representative bodies can be further resourced and encouraged in their role in negotiations. Despite my comments I do not wish to undervalue the efforts of the Goldfields Land Council because much work has been done on regional agreements and as many as 15 to 18 claimants have moved together. We can imagine that with any 15 or 18 parties around a table it would be extremely difficult to reach consensus. We all know that from our party rooms!

The Disability Services Commission is an example of the way in which native title can be used as a scapegoat. A respite house in Kalgoorlie-Boulder has been closed for many months. When it is time to discuss how that resource can be best used to provide respite for the families of disabled children and adults we are told that nothing much can be done because of native title and that it is preventing the further allocation of resources until the current house can be disposed of. I was pleased to have some contact only last week with a senior representative of the commission who advised me that that was not the case and that, although some native title concerns may have been raised, that was not a reason for failing to resolve how respite services could be best provided, perhaps in a different facility or perhaps in the present respite house at Burt Street in Boulder.

The legal profession has been a great beneficiary from the legislation and litigation surrounding native title; although the legal profession also has a role in negotiations, in writing up agreements and representing various parties. I can recall the wonder of an older man who is a senior member of the Ngadju tribe when I explained to him that there had been a decision of the High Court after he had enlisted my services to ascertain whether he could have some help in protecting a sacred area east of Norseman, which was the burial ground of many of his ancestors. It was also a place to which elders had taken him as a young boy. He was one of the few children from that tribe who had not been removed from their families. As a result of that, he has incredible knowledge that most of his siblings and relatives do not have because they were removed and grew up in places other than in the Norseman area, although the tribe moved regularly over to the Eucla area, so it traversed a huge territory. He totally disbelieved that the legislation had even occurred. One point on which I agree with the member for Kimberley is that there has been a need for more involvement of traditional elders from various regional areas and indeed the metropolitan area than has occurred to date. The Government should be cognisant of that point. As for the status of Aboriginal people in my electorate, there is still great disadvantage. Although it might not be popular to proclaim that fact, clearly it is the case. For example, last year in my electorate only one Aboriginal student successfully completed year 12, and that is in a city of 35 000 people in which Aboriginal people make up about 6 per cent of the population.

Ms MacTiernan: It should be noted that not one minister is present to listen to the debate on this vital legislation.

Ms ANWYL: There is not one member of the National Party present, either.

The bulk of the permanent homeless population is Aboriginal, and that causes huge conflicts in perceived behaviour and problems associated with it, but there have been some inroads. It would be a great shame if the benefits of native title did not flow through to the whole Aboriginal community. I would like to hear from the Premier how the new state regime might assist to ensure that trusts will prevail. There has been a huge change of culture in the mining industry. One managing director tells me that his company deals with indigenous groups in about 21 countries, so there should be no reason that there cannot be successful dealings with indigenous people in Australia. Of course, the workability of the legislation was the key to perceived problems. That clear message continues to come from the mining industry.

As to workability and certainty, it will be vital for the legislation to pass the prescribed test in the federal legislation and be approved by both Houses of Federal Parliament. It is vital also that there be certainty. If the litigious path continues to be taken by relevant parties, in particular the disgruntled and presumably those who have not even been consulted on the legislation, there will be no certainty. What consultation has occurred? Exactly which groups have been consulted? Although many mining resource developments have fairly short lives, it clearly is not in the interests of my electorate for the lack of certainty to prevail. Any potential for a streamlined negotiation process is welcome, but that is contingent on goodwill. As I have mentioned, negotiation requires goodwill. It is unfortunate that the findings in relation to good faith that occurred in the tribunal in relation to the Western Australian Government's position caused many Aboriginal groups to have a cynical view of the State Government's willingness to enter into negotiations. I am pleased that the legislation is now in the Parliament and that we are looking for a solution, but without that workability and certainty there will be no solution at all.

I am not critical of the mining industry for entering into deals, as clearly the mining industry has imperatives when it comes to getting out resources quickly. Probably the most notable example is the Murrin Murrin project. I am sure that the Minister for Resources Development is aware of the native title difficulties that were encountered in getting that project going. The number of claimants approached 27, which presented a huge problem. It is worth noting that the select committee report mentions the problems that have occurred and that the answer does not lie solely in a legislative response. The report refers to the need for flexible and regionally based agreements which reflect the needs, interests and relationships of all parties in the region and which can manage the dynamics of change. Certainly, the major problems identified in the report include multiple overlapping claims, with some groups of claims being made by members of the same family. As the report states, that has caused division and acrimony not only in the wider community but also in Aboriginal communities. That is dead right. The report also states that delays in the granting of mining tenements have been a major issue.

Certainly some very constructive matters are raised in the report. Without the benefit of much more time, I cannot deal with them in great detail, but it is pointed out that there is a problem in assessing compensation. The Premier raised that matter in the committee stage of the Titles Validation Amendment Bill. While we have so many cases pending for determination, it is extremely difficult to make sensible assessments of compensation in the current climate. Again, in the Koara No. 1 decision, his Honour Justice French made some salient comments. We have a problem with the issue of mining tenements, but it is important to consider the surrounding evidence. Although I do not seek to deny that there are problems, there has been an overestimation of the part native title has played in those. It is interesting that in evidence to the select committee, John Clarke, on behalf of the Ministry of the Premier and Cabinet, stated that at any one time, the Department of Minerals and Energy had 2 500 to 3 000 title applications to process, and that was completely independent of native title. We know that as at the end of August, there was a backlog of up to 3 500 future act process applications. Certainly, delays have dramatically increased. The report also points to the small number of mining lease applications that have been cleared. There might be a need to consider our mining process and the requirement for tenement owners to convert their exploration leases to mining leases, even though down the track there might be no intention to mine. Of course, the present mining regime requires that to occur.

In summary, I look forward to the committee stage so that we can debate issues which are too complex to go into in my brief speech. We know that the Federal Government must validate the legislation if it is to proceed, so I ask the Premier to address that issue. How can we be sure that it will happen without the amendments that the Opposition proposes? I ask for the Premier's view of the threshold test and how it will improve things in respect of existing overlapping claims, noting that the re-registration and auditing process is well under way in the goldfields at present and is expected to deliver benefits for those who are tied up in the litigious spaghetti to which I have referred. How is it that the Court Government hopes to ensure that benefits accrue to the Aboriginal community as a whole rather than to a few individuals in my area? How will determinations be made by the minister in the balance of competing interests of the State? If members look at the legislation, they will see clear definitions about what is in the interests of the State. How will the minister make those decisions with impunity? I ask the Premier to address those questions when he responds to the large number of matters raised by the Opposition in this debate.

MS MacTIERNAN (Armadale) [7.21 pm]: The recognition of the prior occupation by Aboriginal people of this land is a question of honour and of honesty. It is a question of being able to come to terms with the reality of the way in which this land was settled by its non-Aboriginal people. We non-Aboriginal people of this country have been very fortunate in coming to this land, being able to enjoy a magnificent climate and vast natural resources, and achieving a very high standard of living, certainly compared in many instances with the places from which we came. It is probable that the majority of non-indigenous people of this country - and even the indigenous people - were ultimately economic migrants looking for a better life. I am certainly very glad that my ancestors made the decision some 150 years ago to come in a leaky old sailboat -

Mr Osborne: Were they clanking as they walked?

Ms MacTIERNAN: Not to my knowledge. We must face the fact that that settlement, which has been to our great benefit, has been to the detriment of Aboriginal people. We took their land and we inflicted disease on them. In many cases, we took their honour and dignity. It is only in the past decade that we have made substantial moves forward to improve the position of Aboriginal people by formally recognising that they were occupants of this land and that they had rights that resulted from that occupancy.

Mr Barnett: I suggest that it is instructive to read some of the speeches that Bill Grayden made in this Parliament before he retired, if the member has not read them or heard of them. The member mentioned, for example, diseases. Certainly diseases were introduced by Europeans. However, people often jumped to the assumption that Aboriginal health was of a better standard. When one looks at the figures of life expectancy, child death and those things, we should keep it in some perspective. We should not assume that Aboriginal people suffered universally because of European settlement. I think that is true.

Ms MacTIERNAN: Certainly, massive numbers of people were wiped out in a very short space of time by diseases like smallpox.

Mr Barnett: Yes.

Ms MacTIERNAN: I am not presenting a "noble savage" view here. I am not suggesting that the lifestyle of Aboriginal people prior to white contact was all hunky-dory and that they did not have their own problems; after all, they were human. The point I am trying to make is that there has been a problem for non-indigenous Australians in recognising that our good fortune came, by and large, at the cost of their bad fortune. Whatever problems they may have encountered, in a pre-contact state, they were nothing like the difficulties and indignities that they suffered when they were rounded up like dogs and put onto reserves, where the control over whom they had sex with, whom they went out with and where they travelled was determined by a white protector. No-one could argue that that was a situation of benefit to Aboriginal people; and we just must accept it. This is not a black armband view of history. It is reality.

As I say, I am glad that my ancestors made the decision to come here. When I return to the remote backblocks of Sligo and Leitrim, I say to myself, "This is a very lovely place but I am very glad that they made the move." We have been prepared to take the benefits and I have been prepared to take the benefits. I am not suggesting that we all be put in ships and carted back. However, the very least that we can do is recognise what we have done to Aboriginal people and implement a system that gives legitimacy and recognition to that prior occupancy. The first legal recognition of that - as opposed to a moral recognition that was obviously in the minds of many Australians when they voted in favour of the 1967 referendum - was the Mabo decision in 1992. It was a great step forward, not just for Aboriginal people but also for Australians coming to terms with the reality of their past and being big enough and grown up enough to accept that this great land that we inherited had some people who suffered great detriment in order to provide us with the lifestyle and standard of living that we enjoy now. As I say, I am not suggesting that we try to wind back the clock but rather that we move forward.

Unfortunately, in Western Australia we have had a very sorry record on the recognition of Aboriginal rights. There has been an enormous sensitivity to any recognition of Aboriginal rights by the conservative hierarchies within this State. There is no clearer demonstration of this than the disgraceful behaviour exhibited by Lord Forrest and others on being granted government in this State. We all know that the British colonial office had grave doubts about the capacity of the Western Australian colonials to deliver any justice to Aboriginal people and, for that reason, resisted very strongly the granting of self-government to Western Australia. A compromise was reached whereby a section 70 provision was inserted in the Constitution which gave a certain percentage of the gross domestic product of the State to Aboriginal people and set up the position of a protector of natives which had some independence from the Government. Of course, the first act of the WA Government on obtaining independence was to seek to repeal that section 70. I will not go into the sorry history of the next couple of decades as Aboriginal people strove to fight that process of repeal through negotiation and actions in the British courts, including the Privy Council. However, there has been an incapacity in this State to recognise that Aboriginal people were there, that we dispossessed them and that some recognition must be enshrined in our land law and by way of other compensation.

When forced by the Mabo decision in 1992, the State Government came up with a package which was a disgraceful effort. It is reminiscent of the attitude that we saw when we introduced self-government 100 years ago. This was struck down by the High Court. All members must acknowledge that there have been difficulties with the federal legislation, which was then introduced, as one would expect. It was a massive new enterprise and is extraordinarily complex. Obviously it will need continued work and refinement, just as our state land laws need constant adjustment and refinement. Much of our legislation is constantly amended and changed as new difficulties arise. It is not surprising that this legislation has had some difficulties. It is based on an entirely new premise in Australian law. One would only expect difficulties.

The problem with the legislation before us is that its fundamental approach is flawed. It intends to further diminish the rights of Aboriginal people. Aboriginal people came to an agreement with the 1994 federal legislation. They signed away a fair number of their rights which they had under the common law in order to reach a consensus. However, in this legislation we are substantially taking away more of their rights. We are taking away the right to negotiate and reducing it to a right to consult. I will not go into all the other aspects of the Bill as they have been outlined very capably by other members. The rights that have been given to a minister to override a determination -

Mr Barnett: It could be argued that calling something a right to negotiate, which was described in the legislation, is a fair step towards establishing that it is a true right. I am not saying that they are not without rights. It achieved a status in some people's eyes which was undeserved because all sorts of groups were claiming that right.

Ms MacTIERNAN: The line which the Minister for Resources Development is now taking is contrary to that which has been taken by the mining industry. The mining industry claimed that this right was so powerful that it amounted to a right of veto. On one hand, the minister is arguing that it was not much of a right anyway so why worry about it -

Mr Barnett: No, the member misunderstood me. I am saying that to call this a right exaggerates the way in which it occurred; not in terms of its impact against mining or any other development or property owner, but people who have a strong affinity with the land and some with a very nebulous affinity assume now that they have this right and exercise the right which, in many cases, was not a legitimate right for all people. For example, when there are 20 claims over the Murrin Murrin project by 20 different groups, not all of them have the same true rights.

Ms MacTIERNAN: There will always be finetunings and adjustments. It does not help when powerful groups associated with the Liberal Party fund groups to make contentious claims in order to stir the pot.

Mr Barnett: The process in the original legislation, as soon as it was described as a right, created part of the problem.

Ms MacTIERNAN: There is no doubt that in this legislation the minister is seeking to reduce the bundle of rights that was agreed upon by the Aboriginal community in the 1994 federal legislation. Unless the Government substantially brings in the Aboriginal community - it will never bring every person along - on this legislation, it simply will not work. It will not work because the Aboriginal people who feel that they have been exploited and cheated by this process will take action. Enough rights are left in this legislation to enable Aboriginal people who feel that they have been cheated to frustrate the process. It will enable Aboriginal people to undertake a range of interlocutory processes in order to achieve a just outcome. This is not 1898; this is 1998. What Lord Forrest got away with when he removed section 70 will not work today. Our Aboriginal community is much more aware, our legal system is far more developed in its awareness of the rights of indigenous people and we have a far more deeply entrenched democratic system within this country. There is enough in this legislation to enable dissatisfied, alienated Aboriginal people to delay these processes. They can also bring in other legislation such as Aboriginal heritage legislation. They can be running out those types of claims if they feel that they have been cheated. As the minister knows with the Anaconda Nickel project, the Environmental Protection Authority has determined that the Environmental Protection Act is broad enough to encompass taking into account various Aboriginal rights in an environmental assessment.

Mr Barnett: Do you agree with that? I do not. It totally confuses the issues when the EPA takes such a broad view of Aboriginal heritage and culture.

Ms MacTIERNAN: It is not whether I agree with it or not; it is the reality.

Mr Barnett: I know, but I am asking you. I do not agree with it. The EPA is getting its role wrong when it does that and it confuses the public debate.

Ms MacTIERNAN: It may, but the point I am making is that the minister is not living in Lord Forrest's day. He will not be able to get away with the scam that his conservative forebears got away with 100 years ago. The legal system that is entrenched in this State now is vastly different from that which was in place 100 years ago. The sensitivity to the rights of Aboriginal people, the education of Aboriginal people, the access of Aboriginal people to legal advice in order to take legal action is vastly different. The minister might not care about the equity, but he should think about the practicality and about how we will make this system work. Unless the Government brings in the Aboriginal community, the processes will continue to be delayed and frustrated. It is not the way to work through this. The Government which sees this as a great benefit to it - an Aboriginal-bashing exercise - will come very unstuck. In the fullness of time, the resources industry will realise that. Unless a legislative program brings in Aboriginal people, we will not achieve anything towards the outcome that the industry wants.

The member for Kalgoorlie referred earlier to how the Premier loves to travel up and down her electorate, making all sorts of statements and basically engaging in race warfare and talking about how bad native title has been for the mining industry. We must look at some facts. It is amazing what one finds when one digs out the Government's reports about the performance of the mining industry since the introduction of native title.

Mr Barnett: Is this going to be a backhanded compliment?

Ms MacTIERNAN: No. It will demonstrate that this nonsense with which the minister's leader jumps up and down is precisely that - nonsense. The facts do not bear out the claim that native title has been a great destroyer of the economic wellbeing of this State. I will cite some of the royalties which the Western Australian Government has received from mining.

In 1993-94, the financial year on the cusp of the native title decision, $347m was collected in royalties, and the figure increased in the next year to $371m, in 1995-96 to $468m, and in 1997-98 to $545m. It was an extraordinary growth rate in royalties. Maybe that was only with royalties, I thought - maybe economic activity was not so good. However, economic activity was equally superb. A 1996-97 report outlined that the value of mineral and energy production increased by 7 per cent in 1996-97 to reach $16.4b. The report outlines saliently that a little over 10 years prior, the value of the State's entire mineral production was only $5.3b. This increased in 10 years to $16.4b.

Mr Barnett: I have been trying to say that in the House for a long time! No-one else on your side will acknowledge it.

Ms MacTIERNAN: Why does the minister not tell the bloke sitting next to him, the Premier? How can he square this fact away with the Government's claims that native title and Mabo have destroyed the mining industry in this State?

Mr Carpenter: It cannot be done as it is garbage.

Ms MacTIERNAN: Yes. To add to this growth figure, we find in the latest report that in 1997-98, notwithstanding the Asian economic crisis, the figure increased another 8 per cent to $17.9b worth of economic activity.

Mr Barnett: There is another element.

Ms MacTIERNAN: Let me outline the next part. I thought maybe the other elements of the equation were bad. Royalties are bonzer and the level of mining activity is booming, so maybe the problem is a little further back with exploration. Being the hardworking, diligent person I am, I looked up the exploration figures. Exploration increased from approximately $370m worth of expenditure in 1992-93 to about $490m worth in 1993-94. It increased again to just over $500m in 1995-96, and to about $600m in 1996-97. Therefore, royalties, mining activity and exploration have all increased dramatically since the Mabo decision. Where is the problem? Where is the drama to which the Government refers? How are the Aboriginal people of this State destroying our economy? The facts, as outlined in the Government's brochures, do not bear out the claim. It is a disgrace! The Government is using Aboriginal people and creating race warfare in this State, and has nothing to back up its claims!

I recognise that the mining industry is an important part of this State, and that we want to see the mining industry thrive in this State - and it is. Sometimes we also hear the claim that native title is bad for the pastoral industry. We do not often analyse the state of the pastoral industry and whether it is deserving of the support it receives from the State.

I now turn to a very interesting report from the Select Committee into Land Conservation presented to this House in 1991 by one Mr M.G. House, MLA. This report contained some interesting comments about this fabulous pastoral industry which is used to justify destroying Aboriginal rights. We find that the pastoral industry included about 427 station businesses, which represented less than 2 per cent of the total activity of rural holdings in Western Australia. The report indicated that the total payment to the State Government by way of annual rental for pastoral enterprises, as determined according to a 1984 formula, was $482 000 in 1990, which represented an average of $918 per lease. Therefore, these pastoralists were paying the State the princely sum of $918 a year a lease. Concern was expressed in the report - remember it was presented by a National Party member - that the rent received did not meet the State Government's cost of administration and management of leases. The 1991 inquiry into the pastoral industry calculated the cost of servicing the pastoral industry - namely, the operating costs of the Pastoral Board, the rangeland management branch, the Agriculture Protection Board - as being approximately equivalent to $7 000 a lease. At that stage, the average rental was $579. Therefore, the State was paying out $7 000 a lease for that return. One must ask whether this industry should continue to be subsidised in that way. Have we seriously asked whether this industry is worth supporting, and whether we should be subsidising it to this extraordinary degree? Have we asked ourselves about the impact on the land from those activities which appear to be of very marginal economic benefit to the State, and, one might argue, even to the State's economic detriment? Nevertheless, the pastoral industry is taken to be something which must override the rights of Aboriginal people.

This Government has been unable to present a good cause or reason for engaging in a further diminution of common law rights declared to exist for Aboriginal people under the Mabo decision. The Government has only given us rhetoric which does not stack up on any analysis of the facts. This has been done because the Government wants to play a race card. It wants to gain an advantage by bashing Aboriginal people around the head on the pretext that we have a problem in the mining industry. Even if that claim were true, this Bill does not represent a solution. Unless we can take the Aboriginal community along with us, and achieve some broad acceptance of the principles enshrined in this legislation, it will simply not work. There will be such a degree of resistance to the legislation that Aboriginal people will play every card available to frustrate it if they perceive it to be unfair and as removing their rights. On grounds of equity and practicality, this legislation must be amended as it constitutes a gross violation of Aboriginal rights in its current form.

MR KOBELKE (Nollamara) [7.49 pm]: The Opposition wants legislation which will work. The difficulty is that the Court Government has introduced legislation which purports to address real problems with native title following the Mabo decision, yet that Government has an appalling track record in this area. Therefore, one must doubt whether the Government's proposal will achieve the goals we all want to see achieved - that is, to have a workable regime which will ensure that native title claims are justly and properly assessed, and that the commerce, trade and development in this State is able to proceed in light of the Aboriginal interests which must be considered.

The Opposition supports the Bill but has major concerns about some aspects of it. If those concerns are found to be true the legislation will not work. If it does not work it will not fulfil the objectives espoused by the Government and we are wasting our time, although we have done that before with Court Government legislation of this kind. The Opposition's fear is that the Government has yet to understand and respect the rights of the original inhabitants of this State. If the Government cannot come to grips with that basic issue all the policies that it puts in place are doomed to failure. Unfortunately, we have seen far too many examples of the Court Government not being able to respect the rights of Aboriginal Australians. Although the Court Government has acknowledged those rights, it has been slow to pick up on them. The Court Government not only has difficulty in dealing with Aboriginal issues, but also is poor on consultation. Few ministers in this Government sit down with people and consult in a meaningful way. When dealing with reconciliation and Aboriginal rights to land the Government must be able to consult and to reach an accommodation with people in a way that respects their opinions. If the Government does not have any skills in that area it will have great difficulties before it gets into the complexities of managing Aboriginal rights to land.

The Mabo decision in 1992 overturned the fallacious position of terra nullius, which was a total rejection of the rights of Aboriginal people to the land of which they and their forebears had control for 40 000 years. It is no wonder that we must deal with a range of complex issues when for almost 200 years of white settlement there has been a total rejection of the rights of Aboriginal people. We need to go back and, where we can, to recover the rights of some of those Aboriginal people. The Mabo decision gave little to Aboriginal people. Most Aboriginal people have been totally dispossessed of their rights to land. The Mabo judgment will affect only a small percentage of Aboriginal people who are likely to have a valid land title claim.

We needed to deal with a number of issues following the Mabo decision. Of course, matters could be allowed to take their course through the courts. However, given that the courts took 10 years to finally reach a decision in the Mabo case, it is unacceptable for matters to be resolved through litigation and finally to end up in the High Court. Through the Native Title Act the Commonwealth Government put in place a regime to deal with the problems through an administrative process rather than through the courts. However, it left open the possibility of contested matters going back through the court system. The administrative process, through the Native Title Tribunal, would deal with the validity of existing titles. A range of titles which were under challenge could be cleared up by administrative means in order to give certainty to landholders and in some cases to determine that claims for land title by Aboriginal people could not be substantiated. There was also the need to ensure that developments taking place through so-called future acts could be expedited and cleared for various resource developments, or companies and individuals who needed access and security of title to that land in order to invest and for development. The second area had to be dealt with so that we would not hold up the development of this State and of the nation, and at the same time be able to clarify and deal with the rightful claims of Aboriginal people.

The third area that needed to be dealt with was a provision that would give Aboriginal people legal recognition of their rights to land under native title, so that those people who met the criteria of the Mabo decision of having had continuity with areas of the State and of Australia could put forward their claim and be granted a form of title that recognised a close association with a particular area. One very important issue in all of this was to try to provide the highest level of certainty in the shortest possible time. There were real concerns that the matter would drag on and involve expensive and lengthy litigation that would simply be a huge cost and the resulting uncertainty would be a great impediment to the development of this State and to the advancement of industry and commerce.

We look to this legislation to add certainty to what has already been put in place. However, I am not convinced that we will get greater certainty out of this Bill. I am hopeful, because that is clearly one of its objectives, but I am doubtful how effective the legislation will be. The doubt exists because of the poor track record of the Court Government in this area. We have found time and again that it has not been willing to address the issues honestly and fairly. It has tried to achieve other ends through the policies and the legislation that it has put in place. I am firmly of the view that any legislation that is based on ulterior motives will not work. If this Government's motives are other than to deal fairly and properly with Aboriginal people, and the range of problems that need to be resolved, it will not succeed. I will give some evidence for my concerns.

This Parliament debated at some length the Land (Titles and Traditional Usage) Bill which was introduced by the Court Government in 1993. The Opposition told the Government in no uncertain terms that on the legal advice available to it the legislation was unconstitutional and that there was no way it would stand up to a High Court challenge. Basically, that was because it contravened the Racial Discrimination Act. The Government said that the Opposition did not know what it was talking about, that the Government had the best legal advice in Australia and the best of intentions, and that it would resolve the problem. What happened? In 1995, two years later, the Act was struck down 7:0 in the High Court. It was not 6:1, 5:2 or 4:3 but 7:0. That indicates that the Government's legal advice was not worth anything. I do not know how much money the Government paid for that advice, but it was not worth anything at all if not even one of the seven High Court judges supported its legislation. That legislation was struck down as contrary to the Racial Discrimination Act and in that sense it was racist legislation.

How could the Government get it so wrong? If the Government was addressing the issue in an honest and up-front way and taking sound legal advice, how could it put through the Parliament - against much opposition - legislation that could not even get one High Court judge to support it? The Government had it totally wrong. That was because it was not acting in good faith. The Court Government was not concerned about addressing the issues in a workable way. It was about making political statements, ideology, and seeking political advantage. If that is the Government's objective, it is doomed to failure.

I said a moment ago that legislation based on ulterior motives will not work. This area is difficult enough to resolve without the Government adopting an approach which is not honest and up front with the real issue. Any approach that has an ulterior political objective will not work in this area. As the previous speaker, the member for Armadale, and perhaps a number of other members have said already, for this legislation and the processes of administration to work in the area of native title, the Government must establish good faith. It must show Aboriginal people it is taking on board their concerns and their just rights and is seeking to deal with them equitably. If it cannot establish that goodwill, all the legislation in the world will not get us to our objective. It will not provide an efficient and workable system.

I must place on the record the history of the Government which shows it has acted in bad faith. From the outset the Government rejected the decision of the High Court of Australia, a properly formed decision in the flow of decisions throughout the British Commonwealth and countries that have the British system of justice. There was nothing outstanding about the Mabo decision, other than it took Australia so long to fall into line with the British legal tradition. In the early days this Government rejected the High Court decision and went further to launch an attack on the High Court. This Premier then held up a map of the State to try to scare people and create fear that their backyards could be claimed under native title. It was quite false and malicious to try to portray the rights of Aboriginal people in that way, again creating bad faith with them.

The Government then brought forward the Land (Titles and Traditional Usage) Bill. It delayed the whole process by about two years, cost about $4m of taxpayers' money and was a total waste. Once again it showed Aboriginal people that the Government did not wish to deal with them fairly and equitably. We have also found in the debate in this place in the past week or so that the State Government had granted titles by deliberately flouting the Native Title Act, another instance of the Government acting in bad faith, of not ensuring that when it granted titles it complied with the federal Native Title Act as it was required to do.

Governments cannot play favourites. I thought at the end of this century, as we move into the next century, a government would have no difficulty in recognising that we cannot say that a law applies to some and not to others, or that a government must obey only those laws that it finds convenient. We seem to have a whole series of incidents where the Government is selective about which laws it thinks must be obeyed. In this case it could simply get around the federal Native Title Act, and did not need to worry too much about it. In addition to the casualty of not upholding the law, another casualty has been the possibility of establishing good faith with Aboriginal people.

Another example is the 1996 case of Wally v Western Australia and others. This decision found the Government had not fulfilled its duty under the Native Title Act to negotiate in good faith with respect to the granting of mining tenements. This decision showed that the Government was trying to thwart the process and to direct it in a way which suited its purposes and it did so by failing to act in good faith when there was clearly a requirement in the Act for it to do so. The last example I will give relates to residential land development in regional towns in Western Australia. We have seen instances of pressure being applied for additional residential land development, and the Government played the native title hand for whatever dubious political advantage it saw. Instead of dealing with issues in a very productive way, consulting with Aboriginal people and working through the processes, we have seen a delaying game and pressure being placed on development of land, whether it be in Kalgoorlie or in towns north of Perth in the Pilbara and the Kimberley. The Government has not attempted to resolve the issue in the minimum time, but has allowed pressure to build up through land shortages and has blamed those real or perceived shortages on the problems of native title.

When the Government does one thing after another, which is seen to be acting in bad faith with respect to Aboriginal people and the whole process of native title, it is hard to see with this legislation that suddenly the leopard has changed its spots and the Government is seeking to address the issues in a way that will work. One specific aspect of the legislation relates to a change to what is currently the practice under the Native Title Act, where Aboriginal people have a right to negotiate and this legislation, in some instances, will allow for a consultation process to be put in place instead of the right to negotiate. The consultation process, with the proper checks and balances, can work. That may require some amendments to the Bill. The underlying issue is whether the Government is acting in good faith. If the Government is acting in good faith, consultation can be productive and can arrive at the outcome we seek - to see the validation of just native title and the ability to allocate land where there is no native title. We want that whole matter cleared up. If consultation can help, that is great; but consultation is impossible if not entered into in good faith.

The commonwealth regime established the Native Title Act, but this legislation was available only to those who could establish a claim within the requirements of the High Court Mabo decision. Many Aboriginal people had no chance of a successful Mabo-style claim. The Keating Labor Government, in addition to the Native Title Act, established a fund to provide for compensation for Aboriginal people who were not likely to succeed with a claim under the Native Title Act. Most Aboriginal people have been dispossessed. They have not been able to maintain their traditional links with an area of land which has not been granted as freehold and, as such, they are unlikely to have any chance of a successful native title claim. That matter is not covered in this Bill. The National Native Title Tribunal which has been established under the commonwealth Act is a very important part of trying to resolve many issues relating to native title. As I have already indicated, the processes in the National Native Title Tribunal are always open to being referred to a court for a decision.

The National Native Title Tribunal has established its headquarters in Perth. It is the only commonwealth organisation of which I am aware that has its national headquarters in Perth, and it is a pity we do not have more of them. I hope, with the passage of this legislation and the establishment of a state native title commission, that the commonwealth tribunal will continue to reside in Perth. The key element of the legislation is to establish a state native title commission. I do not think the Government has made a very good case in support of the State establishing its own commission, and I will go through the positive and negative reasons for that. The jury is still out as to whether there will be a net gain from this. Clearly the Government has the right to move this way. The whole issue is so complex that it is not open to the Opposition to try to lay down a scheme such as we have in this Bill. Expertise and a huge amount of money are required to put in place legislation

of this complexity. We must go along with what the Government is trying to do, although as I have indicated I have grave doubts about it.

I will quickly go through some advantages and disadvantages of the establishment of this state-based regime. The first advantage is that land title is a matter of state responsibility; therefore, there are some clear advantages to having the control of native title under the same legislative regime as the whole land title system.

A second advantage is that it means one can integrate that native title process into a whole range of state laws that relate to land. In addition to the land titling, one has matters of environment and heritage which are areas of state responsibility. Therefore, one may have a somewhat closer match between the state native title processes and those other areas of state legislation by bringing part of the native title regime under state control. However, there are still disjunctions; there are still problems of matching different legislation and processes, even when they are both state legislation. Therefore, although some advantages exist, I am not sure how great those advantages are.

The third clear advantage that I see is that the State could hopefully adapt the legislation to meet local needs rather than one legislative regime having to suit the whole of Australia. However, that again is a very limited advantage, because in putting this legislation through, as well as any subsequent change it may wish to make to the legislation, the State has to seek commonwealth approval. Therefore, we are still sitting under the umbrella of commonwealth legislation and control. That advantage is therefore a limited one.

However, the disadvantage I see is that some claims from Western Australia will go across the state boundary, because the Aboriginal people in their traditional life clearly do not recognise a line that has been drawn on the map to separate Western Australia from South Australia or the Northern Territory. Therefore, one will have protocols, memorandums of understanding and procedures to handle cases which the Western Australian state tribunal is dealing with and which cross over into another State.

The other problem is the complexity of putting in place state legislation on top of commonwealth legislation. Very few people can understand the commonwealth legislation. I confess I do not understand it. It is a huge Act and incredibly complex. Major amendments were made after the 10-point plan. On top of that very complex, lengthy legislation, we have another Bill of approximately 120 pages. Therefore, one will have the 120 pages of state legislation integrated with an understanding of the commonwealth law. That is really placing complexity on complexity, and it will not help to resolve matters.

Another negative is that this legislation must always sit under commonwealth powers. Therefore, if this or any other Commonwealth Government changed its tack, to some extent we are at the whim of that Government. One also has the difficulty of how the commonwealth legal system and court system will work, because one will have to go to the High Court on appeal and marry that with not only the commonwealth Native Title Act, but also other Acts, such as the Racial Discrimination Act, when they come into play. Therefore, one will have these cross-jurisdictional issues between the commonwealth and the state. That is a complexity which could bog down the whole process.

The third negative is the cost of having a state native title tribunal. There is the cost of the liabilities which will accrue to the Government when it takes action which may wipe out native title, leaving open the potential for a claim on the State Government by the holders of that native title who have had it removed from them by an act under this state legislation. The Commonwealth is saying it will meet three-quarters of that cost. However, that is not clear-cut, because the Commonwealth will pick up three-quarters of the cost when it relates to a case decided in a court. However, my understanding is that if one had an out-of-court settlement, which is often the best way to go to get the matter resolved, it is not clear-cut that the Commonwealth will pick up three-quarters of the liability which would accrue from such a decision. Therefore, we are not sure how open-ended the cost to the State will be. As I have indicated, there are clear advantages; there are clear disadvantages. Only time will tell whether there is a net benefit to Western Australia.

The next point I raise is that it was only today that we had tabled in this place the Western Australian Government's Response to the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. That report was titled "Bringing them Home". I will not deal with this in great detail; however, I note two specific matters in this report. Western Australia's response is summarised on page 7. I quote a short passage -

> . . . the three major components of the WA Government response to the *Bringing them home* report are:
>
> 1. Enhanced tracing and information services.
>
> 2. Enhanced records management services.
>
> 3. Provision of effective counselling services to support the provisions of family information.

Two of those matters - that is, the tracing and information services and the enhanced record management services - relate to native title, because when putting together their claims, many Aboriginal people need to be able to show their connection to their clan or family group and its connection to the land. Therefore, we see in this response that the Government is in part

trying to address issues which should have been addressed a long time ago. These issues underlie much of the difficulty which Aboriginal people have in dealing with native title claims. On page 23, we see the headings of "Destruction of records prohibited" and "Record Preservation". One can see that those two matters are clearly related to Aboriginal people being able to establish their family bonds and, from that, the connection of their family group to a particular area of land.

In closing, I make a brief comment on part of the letter that all members received from the Association of Mining and Exploration Companies. One requirement that AMEC places on this legislation is -

> Strongly recommends that emotive, self serving, ideological arguments are put aside in the forthcoming debate and that the legislation is dealt with on the basis of;
>
> a) whether it complies with the Federal Act proclaimed on 30th September 1998
>
> and
>
> b) whether it is practical and fair in the commercial sense.

I make a couple of points on that. The first is that the need to comply with the Federal Act is paramount. If this legislation, like the Court Government's previous attempt, simply falls down in the High Court, we are not only wasting our time and the money of this State, but also putting back the whole process. It is absolutely paramount that this legislation be workable. Clearly AMEC is alluding to that. For that purpose, the Opposition will be seeking to amend the legislation so that we can ensure it is workable and that it will not fall foul of commonwealth law and be struck down, either in the process that requires its passage through the Senate or on challenge to the High Court later.

The second comment I make is about the requirement to be practical and fair in the commercial sense. The terms used in AMEC's letter are very narrow. The legislation, to be practical and fair, has to be workable. Workability rests on fairness and certainty. If there is not fairness to Aboriginal people, if their interests and aspirations are not taken up in this legislation, it simply will not be workable. Therefore, the needs of AMEC and those of the people it represents, and the broader interests of industry and commerce in this State, will simply not be fulfilled by this legislation if it does not take account of the real and genuine rights of Aboriginal people. Real concern exists that, without amendment, this legislation will not meet the standard that will be required, both for its acceptance through the Federal Parliament and to ensure that it will not become subject to challenge under federal legislation.

MR THOMAS (Cockburn) [8.18 pm]: I wish to enter this debate and support the position taken by my colleague, the member for Nollamara. The Opposition supports this legislation and will move amendments to ensure that it is workable. However, we support it with a heavy heart. We support it, knowing full well that the reason we are in the situation where this Parliament must legislate in the way it will is because in this State the Liberal Party primarily, and the National Party to a lesser extent, have an absolutely disgraceful record on Aboriginal land rights. As a consequence of this, it has been necessary ultimately for the courts to intervene and usurp what is the proper role of legislators.

Legislators have an appalling record when it comes to dealing with minority rights. Members can look to other jurisdictions to see that. Legislators are answerable to electorates; unfortunately electorates are often not as enlightened as we wish they would be, and therefore legislators tend to be very timid when it comes to extending rights to minority groups. When courts are able to do so, it is often the court that usurps the role of legislators. That has been seen in the Mabo and Wik decisions. The High Court of Australia created new rights and new law in the Mabo decision. In the jargon of the common law, it was not creating an existing right, it was discovering a new right. However, in practical terms those rights were not known to exist prior to the Mabo case and therefore they were making law. They have made a very profound law which has altered the land tenure system in Australia. It must be asked how it is that the High Court came to be in a position whereby it was doing that. I happen to believe, and I think most observers would agree, that courts are influenced by public opinion, fashion, and the time in which they exist. If a certain view is popular and it is the prevailing standard in the community, it is most likely that the courts will uphold and reflect that view. The best example is probably the rights of black people in the United States of America. When the United States began, slavery was legal, despite the fact that the Declaration of Independence stated that all men are created equal and endowed with certain inalienable rights, which include life, liberty and the pursuit of happiness. Despite the fact that the Declaration of Independence contained those fine, stirring words, a majority of the people who signed the Declaration of Independence were slave owners. How was it that they were able to sign a declaration which stated that all men are created equal and endowed with certain inalienable rights, including life, liberty and the pursuit of happiness, yet they owned slaves? If they were asked what they meant, they would say, "Of course, it does not mean slaves," and it did not mean women either. Initially, only white male landowners were entitled to vote, so they meant all white male landowners are created equal and endowed with certain inalienable rights.

Over the years, the inconsistency between the reality and the stated word was challenged successfully in the courts. The stage has been reached in the United States whereby black people have the same rights as other Americans. For the most part those rights have been created not by legislators, but mostly by courts. The only significant right that was not created by the courts was the abolition of slavery itself. That was an executive act undertaken by the President, Abraham Lincoln,

using his military powers in a time of war, the civil war. The legislators have been singularly ineffectual in creating rights. Sadly, the same situation prevails in this country - fortunately not as dramatically, but nonetheless probably as profoundly for the people who aspire to have those rights.

As a number of speakers before me tonight have said, when Western Australia was formed in 1829 as a colony, it was erected on the basis of a lie; that it was empty land. That lie was ultimately tested and thrown out in the High Court of Australia, and the original inhabitants of this country were found to have rights at English common law. Thank goodness that English common law existed if those rights were able to be found there. Why was it necessary in 1992 for people to litigate in the High Court of Australia to establish those rights? The answer is that over a very substantial part of Australia, namely the State of Western Australia and also in Queensland, Aboriginal land rights were not recognised to the extent that most people would suggest. Aboriginal people had no rights by virtue of their prior occupation of this country. The High Court reacted as a court will do in circumstances when the Legislature does not act, and it discovered law. Whether it is a pre-existing common law right or an implied right through construing some section of the Constitution, it will find a way of creating law. It is just as well that they do.

Let us consider the legislation before us tonight. The part I want to look at is the consequences of past Liberal inaction - worse, reaction - against progressive moves that were put before this Legislature and sought to be introduced when the Labor Party sought to bring this State into the twentieth century regarding the rights of the original occupants of Western Australia. I refer to one of the Bills in this cognate debate, the Acts Amendment (Land Administration, Mining and Petroleum) Bill. I am pleased that the Minister for Resources Development is here because I presume that is one of the Bills in this cognate debate that is close to his heart. It states on page 2 of the second reading speech that the Bill contains amendments to the Mining Act, the Petroleum Act and the Petroleum (Submerged Lands) Act, and they shift the compensation liability for future acts to the holder of a mining or petroleum title. This section of the Bill assigns the responsibility for compensation to the title holder because the Native Title Act provides that when compensation is payable, it is paid by the State unless the liability is explicitly passed on to another party. This amendment provides a statutory basis for passing that liability to title holders. It assumes there will be some impact by what I might describe as the resource titles and when compensation is payable as a consequence of that, the Act makes provision for it. When the land rights of Aboriginal people have been considered, it has largely been in the more remote areas of the State, and in areas which have not been alienated from the Crown in terms of freehold. Hence, we have been looking at areas that have been impacted on by pastoral and mining leases. The land rights debates in Australia in the past 30 years have been about land that would be subject to the pastoral lease, mining lease - or both, of course - or vacant crown lands. As we have looked at those debates, we have found that prior to the approach which came from the High Court of Australia when the Mabo decision was handed down, and subsequently the elaboration of that in the rights of Aboriginal people over leasehold land in the Wik decision, attempts were made - in some cases more than attempts - to create legislation for Aboriginal land rights. An attempt was made to incorporate a system of Aboriginal rights in land into the pre-existing land tenure system in Australia. I happen to think that the land tenure system in Australia is an excellent one. The Torrens title system is one of the great inventions of Australia. It has been fantastic in the way it has facilitated development of resource-based industries through the basic principle that minerals belong to the Crown. In practical terms, they belong to the community at large and, according to the Australian Constitution, that means they belong to the State, because it is the States that are the land. Arguably the most important function of this Parliament is to make law with regard to land and to administer it. That is probably the principal responsibility of the State. Our powers in the environment and planning areas and in many areas derive from the fact that the State is essentially the land.

In 1985, when the Burke Government sought to rectify the evils, errors and omissions of previous generations, it met hysteria. No members present were here in 1985, including you, Mr Acting Speaker (Mr Barron-Sullivan), so I will give a history lesson. On 12 March 1985, legislation was introduced by Hon Keith Wilson, the Minister with special responsibility for Aboriginal Affairs. He introduced the Aboriginal Land Bill which had been drafted by the Burke Government. I commend to members *Hansard* of 12 March 1985 from page 792 forward, where Mr Wilson set out the Burke Government's approach to Aboriginal land rights. It was in the context of one of the most vicious redneck campaigns that we could imagine - the sort of campaign that Huey Long in Louisiana would have been proud of, and the sorts of attitudes that have been expressed in some less enlightened parts of the south of the United States of America in terms of racism and venal sentiments in the community in order to curry political favour.

Notwithstanding that, the then Labor Government drafted a land Bill with a drafting committee which had representation on it from the Chamber of Mines of WA, the Primary Industry Association of WA, the Pastoralists and Graziers Association of WA, the Australian Mining Industry Council, the Aboriginal Advisory Council, the Aboriginal Lands Trust, the Federation of Aboriginal Land Councils, the Association of Mining and Exploration Companies, the Australian Petroleum Exploration Association, and the Commonwealth Government. All those parties were involved in negotiating their various interests. In particular, resource interests were keen to ensure that a system of land title or tenure was created for Aboriginal people that, in essence, would reflect the Torrens title system - that is, that there would be crown ownership of minerals, there would not be the right to veto mining projects and there would not be the right to create royalties. That right was respected. The system that was drafted in the Bill, which of course never became an Act because it was rejected by the

Legislative Council, reflected consensus among all those divergent interests. In essence, the Torrens title system is a socialist system because minerals belong to the community at large. That position, which was adopted by the mining industry and which I support, is opposed by freehold farmers who have a contrary view.

Although the Opposition as it then was - the Liberal Party in particular and the National Party to a lesser extent - was quick to leap to the defence of the mining industry in relation to the crown ownership of minerals, it was never quite as enthusiastic about tackling farmers who owned broadacre farms when it came to access to their land for mining purposes. Vast swathes of land in Western Australia are sterilised from mining because of wheat farming and other broadacre farming. We do not know what potential developments the State is forgoing.

Mr Barnett: There is certainly a lot of gold under that wheat - huge amounts.

Mr THOMAS: That is right. We do not know what we are missing out on because the land has been used for whatever is the opposite of a higher and better purpose. The Liberal Party has never been quite as enthusiastic in tackling miners' rights to access farmers' land as it has been in tackling miners' access to land which might be described as Aboriginal land or potential Aboriginal land.

Over the years, members on this side have had many differences with Mr Wilson, particularly towards the end of his career. But we have only to look at the balance, compassion and desire to reach consensus that are reflected in Mr Wilson's speech and then to refer to 26 March 1985 and read the speech of the then Leader of the Opposition, Bill Hassell. Mr Hassell rose at 7.16 pm - presumably after the dinner adjournment - and spoke for three hours. It is hard to find a speech which is more full of bile, division, hatred and opportunistic desire to exacerbate division in the community for his own political purposes. A campaign was whipped up in the community, led largely by Bill Hassell, who was seeking to protect his own political interests as he saw them and to enhance his prospects for the 1986 election.

The legislation was subject to a hysterical campaign in the community. Indeed, the mining industry had served on the committee and had had major input into the formulation of the legislation. I am aware of that because I was on some of those committees. Despite that, it was induced to join an advertising campaign. An enormous amount of money was put into an advertising campaign of hysteria against the fact that Aboriginal people might be able to have land rights - land rights that they would laugh at now when compared with what the High Court has already given them. The Liberal and National Parties in this State were so backward and so nineteenth century in their attitudes that they were unable to contemplate or consider favourably the reasonable compromise that was put forward by Brian Burke and his Government in the hope of getting it through the Legislative Council because it would represent consensus among mining, Aboriginal and agricultural interests. Bill Hassell thought he was on a winner - and he was, I suppose, in terms of public opinion because such fear had been created that he decided to base the 1986 election campaign on it.

The Premier is in the Speaker's gallery. He was a member of Parliament at the time and one of the more enthusiastic proponents of the strategy. The Leader of the House and the Minister for Housing can claim that they were not here and therefore have no responsibility. I would be very interested to know the attitude of the Leader of the House to that issue. One of the most shameful things that I have ever seen in politics was the attitude of Bill Hassell and the way in which he grabbed the issue of Aboriginal land rights, ran with it and tried to extract as much political gain as he possibly could in a most divisive and awful way. I remind members opposite of the 1986 election campaign and some of the advertising that was run during it. There was an advertisement showing an archetypal family of a husband, wife and two children walking through Kings Park, John Forrest National Park or a picnic-type setting. They had a dog and they were carrying a picnic basket. Suddenly, they stopped with a look of abject horror on their faces. There was a locked gate with a big sign stating, "Stop. No entry. Aboriginal land."

It was a deliberate, awful and hateful campaign designed to divide Australia. Pauline Hanson, who attempted to divide Australia, could have learnt a good lesson from Bill Hassell's 1986 campaign which was designed to curry fear about Aboriginal land rights to make people resent Aboriginal aspirations to land. It suggested that the best way to protect interests was to vote for Bill Hassell's Liberals, as they called themselves. On 8 February 1986, the day of the election - I remember it well as the first campaign I contested as a candidate - a poster was erected on every polling booth throughout the Welshpool electorate, and I believe throughout the rest of the State, which stated, "Stop Aboriginal Land Rights: Vote Liberal". Every member opposite - not too many are in the Chamber at the moment - should be reminded that a little over 10 years ago, the Liberals ran a campaign based on that slogan.

Why do that? Do we now argue with Mabo and Wik and say that Aboriginal people by virtue of their prior occupation of this continent should not have some right to land? Does the Leader of the House believe that, by virtue of their prior occupation of this country, Aboriginal people should have some rights to land?

Mr Barnett: I think that is established. Plenty of people still argue against the Mabo decision.

Mr THOMAS: I know plenty of people will argue that way. I am pleased that the Leader of the House, given his portfolio responsibilities, is prepared to concede that point, which was debated as recently as 10 years ago.

I return to my earlier point: It can be well established that courts are influenced by fashion and public opinion. The Legislature in this State, which is one-third of our continent, and probably represents the largest area of any one jurisdiction of this nature in the world, denied Aboriginal people the right to land by virtue of their prior occupation of the country. That created a situation in which Western Australia almost stood alone. Some land rights were granted under local government law in Queensland; therefore, people obtained some practical possession of land in that State. We stood alone virtually among all the former British settler colonies, for the want of a better term. During an earlier debate on a similar Bill, the Minister for Police corrected me in that my analysis did not apply as precisely to South Africa as it did to other jurisdictions. I stand corrected. However, indigenous people of the USA, New Zealand and Canada, by virtue of prior occupation, are recognised as having some rights to land. However, as recently as 1985, as confirmed in the 1986 election, this State was prepared to deny the fact that indigenous people had those rights. We were prepared to continue with a legal system based on the lie of terra nullius. As a result, chickens have come home to roost, the courts have made law, and the High Court, in effect, has legislated and created rights for people.

We must now find a practical way of enmeshing those rights with the Torrens title system, mining law, petroleum law and various systems of land law which create rights in law. As difficult as that process is, the Opposition is prepared to work with the Government in that regard. It is worth doing. We want a practical system. We want a resources sector which works, and which is able to get access to land and conveniently and reasonably efficiently obtain title. Consequently, that sector can get on with the job of developing our country. Therefore, the Opposition is prepared to accept the Government's legislation, and to amend it to make it more workable.

This is an exercise which can basically be blamed on Bill Hassell and, to a lesser extent, the Premier. In 1985 and 1986 they were the two people who spearheaded the most doctrinaire, rabid campaigns one could imagine against Aboriginal -

Mr Court: Was that the time that Brian Burke went on television signing the letter saying that we would not have land rights in Western Australia?

Mr THOMAS: That is right.

Mr Court: Why not mention his name?

Mr THOMAS: I mentioned it earlier when the Premier was not here. I said that the people of Western Australia were subjected to the most vicious, hateful and racist campaign I have ever seen. The Premier should hang his head in shame for ever being a part of it.

Mr Court: I'm not going to - you're wrong.

Mr THOMAS: Does the Premier now have any regrets that in the 1986 election every polling booth in the State contained a poster saying: "Stop Aboriginal Land Rights: Vote Liberal"? Does the Premier regret that?

Mr Court: No, I don't.

Mr THOMAS: Therefore, the Premier does not agree with the Leader of the House -

Mr Court: I do not happen to agree with the federal legislation - it did not work.

Mr THOMAS: Now we find out what it is like. The Leader of the House earlier conceded - I acknowledge and admire him for doing so - that Aboriginal people should have rights to land by virtue of their prior occupation of this country.

Mr Court: It is how you provide it, my friend.

Mr THOMAS: We tried to provide it in 1985 in legislation drafted by a committee which included the then Chamber of Mines, pastoralists and graziers, peak organisations of the Aboriginal community and other stakeholders. The legislation was proposed. Some Aboriginal interests thought it was rather weak. However, until the Premier wound up miners so they ran a campaign against it, the legislation had the support of all stakeholders. What happened? Bill Hassell spoke for three hours in one of the most rabid speeches ever heard in this Chamber. I was not a member at the time, and sat in the Speaker's gallery. The speech was about Aboriginal people and their right to land. He called it racist.

Another of the worst speeches I have heard in this House was again by Bill Hassell when he attacked Hon Ernie Bridge, the member for Kimberley. Michael Mansell was prominent at that stage as he went to Libya and met Gaddafi. The then Leader of the Opposition, Mr Hassell, put forward a proposition: It was 1987 and he was still trying to beat the land rights camp - members can check *Hansard* - in the year before the bicentennial. He said that Michael Mansell supported Aboriginal land rights, as did Mr Bridge; therefore, Ernie Bridge was like Michael Mansell. As Michael Mansell met with Colonel Gaddafi, Ernie Bridge was likely to meet with him too. Therefore, Ernie Bridge trucked with terrorists. On the eve of the bicentennial he then said that Aborigines were seeking to divide the nation. That was the phrase he used. It would have been the same sort of speech if he had said that the Jews would divide the Reich. It was a fascist and divisive speech which sought to divide Australians one against the other. Pauline Hanson, in her attempts to divide Australia, had a good role model in Bill Hassell. The fact he was able to persuade the Legislative Council to reject reasonable legislation, based on a consensus, created a climate of public opinion resulting in our now dealing with judge-made law, not legislator-made law.

MS McHALE (Thornlie) [8.50 pm]: I have listened carefully both to the debate on the Titles Validation Amendment Bill and to the several speeches on the Bill this evening. In my time in the Parliament the native title legislation is perhaps the most complex legislation with which we have dealt. I have attended a number of briefings on native title from both the Native Title Tribunal and government representatives. The complexity presents its own problems, not only in our coming to a good understanding of what the Bill is about, but also, and more importantly, for the community of Western Australia - those with direct interests in the Bill, and the broader community - to understand what it is about. A parallel exists between the complexity of the Bill and the complexity of social issues which underpin the native title legislation we are debating. The nature of dispossession of Aboriginal people is complex to understand, as is the nature of current social disadvantage suffered by Aboriginal people today. I include in that the over-representation of Aboriginal people in the criminal justice system.

I have listened carefully in an attempt to disentangle what the Government is trying to do in this legislation, and also to the Opposition 's position on the Bill. Members on this side of the House intend to move a number of significant amendments to the Bill. The Opposition is not in total terms opposing the Bill. However, we will move amendments that will make this a fairer Bill and one that provides a more balanced approach to resolving disputes.

The issues raised by the Mabo and Wik decisions are part of only one aspect of the many issues affecting the lives of Aboriginal people on a day-to-day basis. I would like to quote Olga Havnen, who is the Executive Officer of the National Indigenous Working Group. A few months prior to the federal election she stated -

> The political reality is that reconciliation will come from a mix of recognition of our inherent rights as well as our civic, economic, social and cultural rights.
>
> The fundamental and first step, however, has to be the recognition and acceptance of our rights such as native title.

For members on this side of the House, native title underpins what we have been trying to achieve in recent times with reconciliation. It does something else as well: It underpins how we will deliver health and education services to Aboriginal regional communities. I reiterate the importance of native title in dealing with the serious social problems that face us as legislators. Some months ago in this House I talked about the appalling state of Aboriginal health, and the need to look at what we are doing in the education system to improve the lives of Aboriginal people. In an effort to make the link between managing native title and the future of our Aboriginal communities, I remind the House that Aboriginal Australians have the worst health outcomes of any identifiable group in Australian society. The social disadvantage that Aboriginal people face translates directly into poor health. Olga Havnen also said that reconciliation means recognising the tragedy and horror of the stolen generation, and that another aspect of the recognition of Aboriginal rights is of a more practical nature and relates to a wide range of policy decisions that affect the provision of and access to services and facilities for indigenous people. Those people who have been involved in native title and who have a good understanding of it, place it squarely within the context of the health and education of Aboriginal people. I listened to the member for Armadale, who gave a brief history of what happened to Aboriginal societies. It is worth pointing out that societies are at their most vulnerable when they experience rapid and radical change. That is true for the Aboriginal people of our country who, in a relatively short space of time and in a few generations, have gone from a culture which is 60 000-plus years old to having to deal with invasion from European culture and being marginalised by the dominant white culture in a land that was originally theirs, and as a consequence have experienced disproportionate unemployment, poverty, alcoholism and other social ills. White settlement has without a doubt encroached progressively on Aboriginal lands. That dispossession has translated into disease, infection, maltreatment, and what we are seeing with fringe camps, the stolen generation, and sexual abuse. Failing to deal effectively with native title and to make sure that it does not dispossess Aboriginal people any further than our policies have done so far to date, will translate into the further deterioration of Aboriginal health and the further depression of Aboriginal people in our society.

I will refresh members' memories about some of the key medical indicators. Aboriginal people between the ages of 25 and 60 die at rates five to seven times higher than white or non-Aboriginal Australians; Aboriginal infant mortality is three times higher; life expectancy for Aboriginal people, even today, is that which white Australians experienced at the turn of the century; 30 per cent of maternal deaths occur among Aboriginal women, yet they contribute only 3 per cent of confinements. Native title is critical, because it is a way not only of redressing the dispossession of land over the past 150 to 200 years, but also of recognising and dealing with the disproportionate number of health problems of Aboriginal people.

The Labor members will seek to amend this Bill to give it a more balanced approach to resolving disputes between competing interests which are government, mining companies and Aboriginal communities. We believe that a fundamental problem of this Bill is the diminution of the right to negotiate. We believe that removing the right to negotiate versus consultation is not in the interests of reconciliation and it is certainly not the way to go to reduce the right to negotiate. We will also propose a number of amendments which look at the issues relating to the intertidal zone and how that impacts on the right to negotiate as opposed to consultation, which have major policy importance. As it stands, this Bill enables the State to reduce native title holders' rights in a number of ways and also establishes the State's native title tribunal and system of laws governing native title. We want to ensure that the native title legislation which emerges from this House delivers

a just outcome to indigenous people and deals with the rights of mining companies and ensures that we have a system which will deal with the conflicts to which those competing forces inevitably give rise. Over the next few days we will debate the amendments which we will put to this House in the hope of improving this Bill so that it delivers a balanced and fair outcome.

MR BLOFFWITCH (Geraldton) [9.01 pm]: I would like to contribute to this debate because Geraldton has approximately 6 000 Aborigines and, as such, many of them are very interested in what happens in this place. I was very impressed with a book I read about the native title claims in Alaska. When oil was discovered, Alaska decided that the original inhabitants, which consisted of Indians, Chinooks and people from the Arctic Circle who had settled in Alaska, would share in the wealth of that country. What it did - and what certainly did not work - was that it insisted that the inhabitants form themselves into corporations. As members can imagine, Canada and the United States were only too willing to supply many solicitors to do the job. In that book, thousands of those solicitors embezzled money and took it from the people. However, the concept was good because, in making the people form corporations, it ensured that the wealth was shared by all the inhabitants. They all had a stake in what was being offered and they all received a share.

I was very impressed when I went to look at a uranium or yellowcake mine in the middle desert area and I saw three young Aboriginal fellows driving graders and tractors. I asked them how they came by the job. They said that the mining company had dealt with the elders. It had told them that it wanted to mine the area and asked whether they would mind. The elders said, "No, but we would like you to train some of our youngsters and give them an opportunity." It has given them an opportunity. It has also built some toilets and buildings in the village to improve their way of life. I do not think anyone in Australia would disagree with the concept in which a group of people - not just one person - who live and operate within that particular area are helped. Depending on what happens with the native title debate as it proceeds through the Senate and through our upper House, if we end up having to give some sort of a title over the mining leases, we should adopt the same approach; that is, that in those cases a party can deal only with elders. The elders would negotiate on behalf of all the Aborigines in the area. The Aborigines could then ensure that all the money goes towards improving the lot of the complete tribe; not one person receiving $10 000 or two people receiving $20 000, but a community sharing in the benefits. With that approach, a lot of good can be done with the Native Title (State Provisions) Bill.

There are opportunities for us to do it. I spoke to most of the mining companies when I visited those areas and they did not have a problem with dealing with the Aborigines who lived in the area. They had a problem with the no-threshold test. I blame our side of politics for not getting together with the Labor Party and establishing a reasonably strong threshold. Had that happened, we would not have gone through the turmoil which we have with the Native Title (State Provisions) Bill. I hope that in looking at these possibilities, we establish who are the rightful trustees. One Aboriginal chap has completed a map for the mid west. He has spoken with the elders and has broken the area up into territories. My aim would be that we take more notice of these matters, the groups and the people who are in these areas. Any of the resources that they receive must be shared among a group of people, rather than one or two individuals. He must be listening to me.

Mr Graham: That is a serious assessment of your speech.

Mr BLOFFWITCH: Yes, it is - thunder claps. No matter what happens with the Bills in the Senate or in this place, there will be opportunities for us to do some good. I ask the House to remember that this was meant to benefit all Aborigines, not just a selected one or two who have put in an application, but the total group - the total number of people. There will be opportunities for us to do these very things. I support the Bill and wish it plenty of speed.

MR COURT (Nedlands - Premier) [9.07 pm]: I thank members for their contributions to the second reading debate. I take this opportunity to put a number of matters on the record because a number of issues have been raised. It is appropriate that, firstly, I put what we are trying to achieve in context and, secondly, I make some comments on the individual speeches that have been made. We are having this debate after many years of debate on native title. We would all agree that the legislation with which we are dealing is complex. By the nature of the federal legislation, the state legislation is complex in itself and I am sure, as I have said publicly on the weekend, there will be many changes down the track as we try to make something work. All we, as a Government, are asking for is to be given the opportunity of trying to make some native title legislation work in practice. We have had many theoretical debates and we have explained to the Federal Government of the day that we have had a great deal of experience with running a land and resource title system. We also have more experience in negotiations with Aboriginal people than many people give us credit for.

When I went to the areas around Bourke and Moree in New South Wales last year with the member for Kimberley on some water-related matters, it was highlighted to me that I had been listening to the criticisms of the people in New South Wales about how Western Australia handles Aboriginal issues. In those towns I found the closest thing to apartheid that I had seen since I visited South Africa many years ago. Before the people in Sydney start to get too dogmatic and critical of what is happening in other States, they should have a good look at how New South Wales is handling Aboriginal affairs. They have conveniently ignored what is happening in the western part of that State. I think we have been making a good attempt to address some of the difficult issues.

Let us put this matter in context. Why is this state legislation necessary? Two types of amendments were made to the

commonwealth Native Title Act to improve its workability. The first amendments to the Act applied from 30 September this year, without any need for complementary state legislation change, and covered the provisions for the registration test for claims in relation to indigenous land-use agreements. The second group of amendments requires complementary state legislation to gain advantage of the amended Native Title Act procedures. The second group of amendments is being addressed in this legislation. The Native Title Act has not worked in Western Australia. That statement is beyond question, irrespective of whomever we ask who has been involved in making the legislation work.

I will give some examples of this unworkability. There has been no new land for residential or commercial purposes released in the major regional towns in this State since March 1995 when the Native Title Act procedures were first applied. The Government has attempted to negotiate for over two years for releases at both Kalgoorlie and Karratha. Despite some claimants agreeing with the State's offer, others rejected the offer and those negotiations failed. Unfortunately, the end result of the problems in these regional centres is that the price of land has now gone up to totally unreasonable levels. We must get back to putting land onto the market to keep the land prices at reasonable levels, as was the policy some years ago. Even before the native title era, governments of the day, regardless of their political persuasion, were having trouble getting land released and serviced before development could take place in regional centres. Because we have had a stalemate for four years, we have had to face this problem.

Mr Ripper: Would multiple claims be one of the matters?

Mr COURT: The Kalgoorlie matter has been referred to the tribunal for determination. The position with mining titles is even more alarming, given the importance of that industry to Western Australia. This probably explains why in my dealings with those in the mining industry, they have never been more hostile or more upset about the ongoing uncertainty that the legislation has created. To September this year only three mining leases were granted as a result of a tribunal determination. These leases granted to Austwhim Resources NL and Aurora Gold (WA) Limited in June 1997 were in the native title process for over two years. There are now over 2 500 titles waiting to be dealt with. A further 222 titles have been granted following 72 right-to-negotiate agreements. Without the provisions of the State legislation, these delays will continue and the economic and social future of this State will be in jeopardy.

What are the principles behind this Bill? This legislation has been prepared after extensive consultation with the Commonwealth Government and other stakeholders. It has been drafted in strict compliance with the provisions of the commonwealth Native Title Act to ensure that the State has a comprehensive package of legislation that will provide for the State to administer native title issues in this State. The legislation is based on fairness, balance and equity of treatment, of all parties. Native title holders are to receive equal or better treatment than other landholders. Where native title could amount to full beneficial ownership, such as over vacant crown land, native title holders have a right to negotiate. Where native title coexists with other rights, such as a pastoral lease, they have consultation rights at least equal to, and in many cases greater than, the pastoralists before any mining or land title is granted.

Mr Ripper interjected.

Mr COURT: I will get on to that in a minute because the Opposition has come up with some fallacious arguments. The Australian Labor Party wants to give claimants rights far superior to other landholders by reinstating the right to negotiate on pastoral leases. On one hand the Government's proposed legislation ensures that claimants who have the right to object to future acts on pastoral land be consulted, and where this does not resolve the objection, it is to be heard by an independent body. Where native title rights are impaired or extinguished by a future grant, native title holders are entitled to fair compensation, as would be other landholders for any loss they may suffer. On the other hand the ALP wants compensation to be negotiated up-front by claimants before they have established whether their native title rights exist. The ALP also wants the native title claimants to be given a share of profits, royalties or production from any activity occurring on the land without any requirement to prove that they have any native title rights or interests in the first place. That is what those opposite want to reinstate. We have had this debate for the past couple of years.

Mr Ripper: Section 33 of the Native Title Act as amended by John Howard.

Mr COURT: I am talking about the amendments. Will the Deputy Leader of the Opposition table those amendments tonight or tomorrow?

Mr Ripper: We will put them on the Notice Paper tomorrow.

Mr COURT: The Deputy Leader of the Opposition said there were some minor changes.

Mr Ripper: There are only a few.

Mr COURT: The Leader of the House said that we may get to the committee stage some time tomorrow. I just want to make sure that we have time to look at the changes that those opposite would like to make.

Mr Ripper: I do not think we can get them on the Notice Paper tomorrow; however, if the debate comes on tomorrow, you will have ample opportunity to look at them.

Mr COURT: I thank the Deputy Leader of the Opposition. The amendments that have been alluded to are designed to reintroduce the right to negotiate on leasehold land under another name. It will have the same effect on the future developments which we are attempting to establish in pastoral areas which are largely in regional Australia. Those amendments would negate the significant benefits that were achieved in the extensive negotiations that have taken place with the Commonwealth.

Mr Ripper: It is okay for John Howard, but not for us.

Mr COURT: Let me go back to the leasehold question. I have been around in this debate for long enough to have been given face-to-face assurances by the then Labor Prime Minister of this country, and I have made it clear that leasehold land has extinguished native title. It is not an issue. I have given that assurance.

Mr Ripper: Have you heard about the separation of native title?

Mr COURT: I have made it clear, in his words, to the Aboriginal community that that is the case. That is where we started in this debate. We all know that that was not in the legislation and that we ended up with a decision of the High Court of Australia, known as the Wik decision, which said that there can be native title rights, including access rights on leasehold land.

Mr Ripper: Can the Prime Minister directly influence this?

Mr COURT: In the original legislation, those opposite had no qualms whatsoever about extinguishing native title on certain titles. It was not the Prime Minister; it was the Parliament that made a decision to extinguish native title. The funny thing is, there was some uncertainty over some leases. They were made legal, but at the same time native title on them was extinguished. All of that was done in the original legislation. We should not get pedantic about it. The Parliament did it with the original legislation. It gave this country assurances. That is why we have been having this debate about the problems on leasehold land.

It is no surprise that the Australian Labor Party is proposing changes that follow those put through the Parliament by the Queensland Government. The Leader of the Opposition made comments about what happened in the Queensland Parliament as if it had the support of industry in Queensland. It was unanimously rejected by all industry groups and put through the Parliament by the guillotine. That is what happened in Queensland only a week or so ago when this matter was raised. I have said publicly that the ALP has lost all interest in regional Western Australia. Even the Aboriginal communities, which the ALP is trying to give the impression it is out there supporting, have had enough with the unworkability and uncertainty of this legislation. Many of the ALP amendments that have been presented are inconsistent with the Native Title Act. If they were adopted, the state procedures would not be approved by the Federal Government. The State would therefore not be able to establish its own procedures, and we would be forced to continue to operate under the federal regime.

I will make some comments on the individual speakers. I have laid the framework of why we are debating this legislation and the broad context of what this legislation is based on. The Leader of the Opposition quoted from a book by Father Brennan about what happened in the Wik debate and negotiations with Senator Harradine. Father Brennan was not involved in negotiations with Senator Harradine. I was directly involved with Senator Harradine and all of his legal team on a number of occasions. Therefore, I think I have a pretty good understanding of what occurred during those negotiations. We played an important role in trying to achieve some workability with those Harradine amendments. One thing that I shared with Senator Harradine was that we did not want to see a race-based double dissolution election. Senator Harradine, to his credit, was prepared to do what he could to stop it getting to that situation. That is unlike the left wing of the ALP, which seemed to be quite willing to have an election on that basis.

The Queensland Government has been praised tonight for what it has done! As I mentioned, the real fact is that the Queensland legislation was forced through the Parliament with the use of the guillotine, without any real debate. It was unanimously rejected by all industry groups. What has been done is that it has reintroduced the right to negotiate on leasehold land, about which we have been having these problems. There has in fact been more genuine consultation in Western Australia with the different stakeholders, industry and Aboriginal communities than there has been in Queensland.

In listening to the comments of the members opposite, they seemed to say, falsely - perhaps the Deputy Leader of the Opposition would tell me if I heard this correctly - that only 1.5 per cent of the State is vacant crown land.

Mr Ripper: I do not think the Premier is commenting on my speech; I think he is commenting on someone else's speech.

Mr COURT: I think it might have been -

Mr Carpenter: It was mine.

Mr COURT: Did the member for Willagee say 1.5 per cent is totally vacant crown land? Where did he get that figure from?

Mr Carpenter: Is the Premier disputing it?

Mr COURT: Yes.

Mr Carpenter: The Premier can tell us what his figure is and where he gets it from.

Mr COURT: It is over 30 per cent of the State that is vacant crown land.

Mr Carpenter: Thirty-four per cent was the other figure.

Mr COURT: There is a big difference between 30 per cent and 1.5 per cent.

Mr Ripper: When the Premier says that over 30 per cent of the State is vacant crown land, is he saying that that 30 per cent is not subject to any historic title or tenure at all?

Mr COURT: I will give the breakup.

Mr Ripper: Would the Premier answer that question?

Mr COURT: I will. The Deputy Leader of the Opposition has asked me a question; I will answer it. Historically, pastoral leases covered 55 per cent of Western Australia. Today they make up 38 per cent of Western Australia. Much of that change was the result of pastoral leases being resumed for agricultural development, new towns, national parks, and many other uses. Today, over 30 per cent of the State is vacant crown land which has no other tenure history, or Aboriginal land. Part 4 of this Bill applies to all of that 30 per cent, not the 1.5 per cent that was being referred to by the Opposition.

The other thing is that the Opposition keeps referring to the changes to the commonwealth Native Title Act as if the State is free to change its legislation at will. That is not the case, because we have to comply with the Native Title Act. The processes for dealing with claims, indigenous land use agreements, the intertidal zone, representative bodies and many other matters are beyond the scope of this state legislation. We must comply with the federal legislation. Those matters are the prerogative of the commonwealth Act.

The Leader of the Opposition was critical of the State's failure to mediate on unreasonable ambit claims over leasehold lands in the south west. Does he think we should have accepted every ambit claim without scrutiny and mediated with individual claimants who have made claims over hundreds of thousands of square kilometres when there is no evidence of traditional connection? According to the Leader of the Opposition, are we seriously meant to be mediating over this huge number of ambit claims? The only way that these claims can be dealt with is by the Federal Court of Australia, and the court has in fact already rejected one of those claims as having no basis.

The Opposition claims that the Government will not negotiate. One of the first things I did in Government six years ago was to sit down with Peter Yu and other representatives from the Broome area and say, "Why don't we short-circuit this whole exercise, sit down and knock up an agreement?"

Ms Anwyl: I think most people applaud that process. Why could it not have occurred in the whole State?

Mr COURT: It could have occurred in the whole State. We tried it in Broome. We said, "With a bit of commonsense, let's sit down and work out what agreement we can put in place in which everyone will be a winner and certainty will be provided." However, what happened was that Paul Keating was knocking on the door saying, "Don't deal with this State Government. We will give the Kimberley Land Council a lot more power and a lot more say in this magical new system we are going to develop." They basically locked themselves in with the Federal Government processes. Six years down the track we would still love to be able to sit down with the people and complete negotiations. We have had a lot of negotiations in that Broome area, and if we can get this workable framework through, I hope that is one area in which we can finalise an arrangement through a negotiated solution.

The Spinifex and Balangarri framework agreements have been described as the most advanced and innovative in the nation. They are two agreements we have been negotiating. We are told we are not prepared to negotiate, yet we are regarded as a national leader in putting the framework together for those agreements. Members opposite praised the Cape York agreement. That agreement was never completed, and it was abandoned. I want to put a few facts on the record because a lot of mythology surrounds this debate. The Crescent Head agreement amounted to no more than a cash payment by the New South Wales Government to correct a number of illegal grants it had made. The payment amounted to 50 per cent of the freehold value of the land involved. The native title acknowledged in the agreement was extinguished on the same day the agreement was signed.

Mr Pendal interjected.

Mr COURT: The member for South Perth will remember the advertisement "We will not introduce land rights" signed by Brian Burke. What sort of hypocrisy was that? Among the issues raised by the member for Kalgoorlie was the need for benefits to flow to the Aboriginal population in general rather than to individuals. I agree with her comments. This has been one of the major failings of the Native Title Act. It is interesting that the negotiations over the Kalgoorlie land release failed because two claimant groups would not accept the Government's offer, which was based on setting up a trust to provide benefits to the Aboriginal population of the area. They insisted that they alone got the benefits. The matter has now gone before the tribunal for a determination two years after those negotiations began. We would have preferred to reach agreement in which all Aboriginals were beneficiaries.

The backlog of mining titles and exploration licence extensions also referred to by the member for Kalgoorlie has now been addressed; it is not necessary to contest them as mining leases. She asked for my view of the new registration test which is a Native Title Act process. Until we pass this legislation we will be working under the Native Title Tribunal, which will be administering that test. It remains to be seen how effective a test can be. That is a good example of how after something has operated in practice it may be necessary to make further changes to the registration test.

The member for Cockburn, who I think is having a more interesting conversation with someone else right now, spoke about the history of native title. I agree with him that in effect the debates on these issues have evolved over the years. Although at times they have become emotional, overall major advances have been made in recent years; therefore credit must go to people on all sides of the argument as we try to face up to a difficult issue.

The member for Geraldton questioned with whom we should be dealing. His preference is that we deal more with the elders rather than corporations and some of the land councils, some of which have become too large and too unaccountable and do not truly represent many of the people.

We hope to move to the committee stage of this Bill this week. As I said, I want to be on record as seeking a situation whereby we can be given a chance to make native title legislation workable. We have heard all the theory and spoken to the bureaucrats and the experts in Canberra. It is about time the States that have a knowledge base and a track record of managing a land and resource title system be allowed to have a go at trying to incorporate a native title process into the approval process. With those few words I thank members for their contribution to this debate.

Question put and passed.

Bill read a second time.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr House (Minister for Primary Industry) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 7, page 4, after line 18 - To insert the following subsections -

(9) The steps that are prescribed for the purposes of subsection (8) in relation to a proposed service charge are to include -

(a) the holding of one or more public meetings for the consideration of the service charge by persons who would be required to pay it and who attend such a meeting;

(b) the placing of prescribed information before any such public meeting; and

(c) the giving of an opportunity to persons referred to in paragraph (a) to vote at a public meeting for or against the service charge or otherwise to express their views.

(10) Regulations made as mentioned in subsection (9) (a) in relation to public meetings are to include -

(a) requirements to be observed in connection with the calling of any public meeting, including a requirement to give public notice of the meeting;

(b) provision as to the chairperson; and

(c) provision for the procedures to be followed, including provisions for a quorum and in respect of voting.

(11) The imposition of a service charge is of no effect if any prescribed step is not taken or is not taken in accordance with the regulations but a service charge may be imposed even if a public meeting does not vote for it or votes against it.

No 2

Clause 11, page 7, line 23 - To insert immediately before the words "the procedure" the following words -

subject to section 25A (9) and (10),

Mr BARNETT: I move -

That amendment No 1 made by the Council be agreed to.

Mr GRILL: This legislation has been passed in this Chamber. However, I understand that when it went to the other place a member of the Greens (WA) Party believed that the procedures by which the imposition of a rate for service charge could be applied to a certain group of agricultural producers should be spelt out. As members will know, pursuant to the Soil and Land Conservation Act, a service charge may be struck which can be applied only to a group of growers when a public meeting is held. Opposition members in the other place felt that the Bill was not precise enough in the way the proposed meeting should be called and the procedures adopted. They moved the amendment which we are now considering. The Opposition agrees to the amendment made by the Council.

Mr HOUSE: I thank the member for Eyre and my parliamentary colleague, the Leader of the House. I move -

That the amendment made by the Council be amended by deleting all words after the word "regulations" in proposed subsection (11).

Mr GRILL: The Opposition agrees to this deletion. To leave these words in would mean that a charge could be imposed upon a group of producers to which they had not given consent. The whole spirit of the Bill is to ensure that the majority of them do give their consent. The words are properly being deleted.

Mr HOUSE: I thank the Opposition for accepting the amendment and my ministerial colleagues for their help and advice.

Assembly's amendment on the Council's amendment put and passed; the Council's amendment, as amended, agreed to.

Mr HOUSE: I move -

That amendment No 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported and the report adopted.

A committee consisting of Mr Grill, Mr Osborne, and Mr House (Minister for Primary Industry) drew up reasons for amending amendment No 1 made by the Council.

Sitting suspended from 9.46 to 9.54 pm

Reasons adopted and a message accordingly returned to the Council.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 25 June.

MR BARNETT (Cottesloe - Leader of the House) [9.55 pm]: I inform members that the debate on this budget Bill is a general debate, as is the debate on Order of the Day No 5. The Appropriation (Consolidated Fund) Bill (No 3) relates primarily to current expenditure, and the Appropriation (Consolidated Fund) Bill (No 4) relates primarily to capital expenditure. I propose that we have a general debate on one of those Bills, and I hope the other Bill will go through with minimal, if not zero, debate.

MR McGOWAN (Rockingham) [9.56 pm]: It is always wonderful to be the last speaker of the night, at a time when everyone is looking forward to other activities, such as going home and watching meteorite showers. I can only think that the Leader of the House has placed me in this position at five minutes from the suspension of the sitting because he has particular disdain for my undue interest in his electorate. Last night, I attended the Western Australian Municipal Association awards night, and the Leader of the House and the Minister for Local Government were very flattering about my comments about them and their arrangements with the Town of Cottesloe.

I am keen to raise a number of issues with regard to my electorate of Rockingham. The most important issue in my area - it is an issue that I have raised on a number of occasions in this forum - is the need for a rail link to Rockingham and the surrounding areas of Kwinana, Cockburn, Mandurah and Dawesville. The Government is undertaking a study of the rail link proposal. I am on the record, as are a number of members from that area, in particular the member for Peel, as being a strong supporter of a rail link to Rockingham. In my view, and in the view of my electorate, it is essential to have a rail link between Perth, Fremantle and Rockingham, because of the fact that that region in the southern corridor of Perth is experiencing enormous population growth. Over the past 20 years the population in Mandurah and in my electorate has

doubled every 10 years. Between 1986 and 1996 the population increased from 30 000 to 60 000. It is now 70 000, and it is forecast to be 115 000 by 2006. Mandurah has a similar rate of growth but, as it had a lower population base to begin with, the population has not increased to the same level as that in the Rockingham area. Despite that, the population is growing rapidly and many people are moving into that area. This region in the southern corridor deserves more facilities. Many young families live in the southern suburbs of the Rockingham area, and an older population lives in the northern part. It is in dire need of new facilities. I strongly support the construction of an indoor recreation centre and I have urged the local council to make an application to the commonwealth federation fund. The area desperately needs a new school facility.

A range of other facilities are required in my electorate, but a rail line is the facility most sought after by the people in that area. Other similar areas, such as Joondalup, Armadale and Midland, have rail linkages connecting them by rapid transport to the city. The South Western Area Transport Study carried out in the early 1990s found that a rail line would be required within a decade. That study went to a great deal of effort to work out the needs of the south west corridor. The big issues relate to the timing of the rail link. The Government's time frame of 2005 for the rail link to Thomsons Lake and, beyond that, of 2015 to 2020 for the rail link to Rockingham, is not acceptable to people in my electorate. I represent a large number of older people and, statistically, Shoalwater has the oldest population in the State. Many of the people in that suburb will not be alive when the rail line is built, if it does not arrive before 2020. There is also the question of the route. The Opposition is on the record as seeking a route through Fremantle, and that is contrary to the Government's position.

Mr Barnett: That makes it a long, slow ride to Perth, winding through Fremantle.

Mr McGOWAN: Not necessarily. I have counted the number of stations on the Kenwick route compared with the Fremantle route, and it would have only one extra station.

Mr Barnett: I quite favour the Fremantle route too but it means a long, slow trip, and because it is coastal it loses a lot of draw power. It follows a coastal route and, by definition, because it has coastline on one side and people on the other it would not service as many people as it potentially could.

Mr McGOWAN: The corridor selected stretches from Fremantle through Cockburn, out to Thomsons Lake, to Jandakot, along the freeway, into Kwinana and Rockingham and then to Mandurah. My assessment is that the drawing populations on the Kenwick route versus the Fremantle route are probably similar in the long term. My difficulty is that the people who live close to the Armadale rail line already have access to a rail link. People in Cockburn and Thomsons Lake want to go to Fremantle. Why build a rail link to places that people do not want to go to? It was pointed out to me the other day that the largest absentee vote for the Brand electorate was in Fremantle. Clearly, that is where people want to be. If the Government is to build something that is to last for, say, 300 years, it must build it where people want to be, and that is Fremantle. That is why I support that option. I have difficulty with some of the costings thrown around in relation to this matter. I went to a briefing on the rail link recently and one of the figures thrown around for installing the rail link to Rockingham was up to $0.75b. I am not sure about that figure. Other reports on the costings indicate that cheaper options are available. The rail link to Joondalup was built for approximately $180m and it was a great achievement by the last Government. It was certainly much cheaper than the costings being thrown around for the Rockingham rail link. This needs to be examined in a lateral way, looking at cheaper options.

I do not see the need for many stations along the route. Stations should be located in high population centres. Reducing the number of stations will lower the cost, and provide a faster link which takes people into Fremantle and Perth. It should have even fewer stations than the northern suburbs rail line has. I do not support a light rail link because I think it would be poorly utilised by people in the southern corridor. I support a high speed, heavy rail link. I point out that the significant inhibiting factor in the rail link is cost. Various estimates have been given, and one of the costings was $0.75b while others have been between $200m and $300m.

I have some difficulty with the expenditure of public money on a convention centre, bearing in mind what that money could be used for in the public transport system. The Government supports the construction of a convention centre, as do I, but the lessons of the past indicate that it should be a private enterprise project and that public money should not be used for that purpose. The site being widely espoused for a convention centre is next to the Entertainment Centre in Perth. It is a bad site. It is dark and dank, and is situated close to a freeway and a railway line. A much better site would be one overlooking the State's best asset - the Swan River. The $100m the Government has set aside for the convention centre could be better used for an immediate start on constructing a rail link from Fremantle to Rockingham. That would win the Government a great deal of public support. It is a public infrastructure which would service a huge number of people, it would be there for hundreds of years, improve air quality, get people out of their cars and ensure that one of the fastest growing regions in Perth was serviced to the same extent as other areas.

It would mean the people in the south west corridor no longer thought they were being ignored as much as they think they are now. Instead of the $100m going into the convention centre, this Government should be negotiating with the Burswood Resort with the aim of extracting that $100m and putting it directly into public transport. The biggest and the most necessary public transport project in this State is the rail link to Rockingham, and on to Mandurah. If I remember correctly, the

Burswood Resort is very keen to put in place a convention centre. It is located on a great site, the Swan River, the best natural asset in the City of Perth. It is inconceivable that the Government is not looking at expenditure of that money on a rail link, and that project should be the principal aim of this Government. I also have difficulty with the money being put into the Barrack Square project. It is a popular stance to say that we should not be putting the money into it, and that the money would be better spent elsewhere. The total of that $88m and $100m - that is, about $200m - could be put into the rail link.

I will tell members about the Government's community consultation program on this bells project. A public servant who was manning a table at the Rockingham City Shopping Centre, trying to sell to the people of Rockingham the idea of this Barrack Square project, was absolutely harassed. This bloke was being abused, yelled at and treated in an appalling way. I do not support that sort of treatment of a person who is just doing his job. The public comment book had a range of suggestions as to where the Premier could put his bells, some of which, if taken up, would have been very uncomfortable. We live in a democracy and the Government should be taking note of these comments. If the public comment books say that people would rather the money go into public transport and a rail link for Rockingham, that is where the money should be spent. We have an excellent belltower in Rockingham. The bells could be put there. I am sure the council would agree to that.

Mr Osborne: We will do it on the condition that you volunteer to be the clapper.

Mr McGOWAN: I will be a bellringer, if that is what is required.

Mr Omodei: The clapper is the bit in the middle of the bell.

Mr McGOWAN: I saw a cartoon about that, but it did not suggest that I do it. Another issue I have thought about for a while relates to the Perth Zoo. About 20 years ago, when I was a boy, I visited the Western Plains Zoo in Dubbo, when it was first established. It is associated with Taronga Park Zoo and is a magnificent facility. This zoo concept puts animals into their natural environment. Enormous numbers of tourists visit Dubbo to see these animals in their natural environment, whether the animals be carnivores, herbivores or whatever other sorts of "vores" there are.

Mr Masters: Omnivores.

Mr McGOWAN: As a boy, I was extremely impressed with this concept. I thought it was very kind to the animals involved. Since I have lived in Perth, I have thought that the space at the Perth Zoo is very confined. It is a beautiful zoo and centrally located, so it attracts a great deal of patronage; however, the Government should come up with a plan to have an open-plains zoo. I have always thought that it should be located on the outskirts of Perth, whether it be somewhere like Toodyay or - my preference - in close proximity to Baldivis or Karnup.

Mr Trenorden: I like your first choice.

Mr McGOWAN: Obviously, the member for Avon has a different preference. In this open-range zoo the animals could live as close as possible into their natural environment. It would be an excellent tourist attraction. It could promote breeding programs for these animals to preserve some endangered species, an issue which is receiving much public support these days. It would be an absolute boon to the economy of the southern suburbs of Perth and, in particular, Rockingham. I have asked questions on notice about this matter, but I have not received much by way of a satisfactory response. I make a plea - I am not sure which portfolio this issue comes under - that the Government seriously consider the establishment of this zoo. It would be a great asset to Western Australia, would be of educational benefit and would bring in tourists from all over the world. It would be good for not only my electorate but the State of Western Australia. I have not seen anything to do with this concept in the budget, but the Government should put some funding towards a feasibility study for getting such a project off the ground as soon as possible.

Debate adjourned, on motion by Ms Warnock.

House adjourned at 10.17 pm

QUESTIONS ON NOTICE

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

STATE FINANCE

Taxes and Charges

52. Dr GALLOP to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to all the portfolio areas for which the Minister has responsibility -

(a) what fees and charges have been increased in the context of the 1998/99 Budget and the announcements made immediately prior to the Budget;

(b) what is the rate of increase for each of these in dollar and percentage terms;

(c) what is the estimated total additional revenue each of these increases is expected to raise;

(d) are there any other increases in fees and charges proposed for the financial year 1998/99; and

(e) if so, what are the details of these other increases?

Dr HAMES replied:

(a)-(b) Of the portfolio areas to which I have responsibility the Water Corporation has implemented a 3% increase in rates and charges, on average. To continue the implementation of tariff reforms, some charges have increased by more than 3%.

(c) The estimated additional revenue from a 3% increase in rates and charges is $17.5 million. Estimates of individual increases are not available.

(d) No.

(e) Not applicable.

ABORIGINAL WOMEN'S BUSINESS CONFERENCE RECOMMENDATIONS

77. Ms WARNOCK to the Minister Aboriginal Affairs:

In relation to the Government's two-year plan for women (1996-98) -

(a) has the Government implemented the recommendations of the Report of the 1994 Aboriginal Women's Business Conference;

(b) if not, why not;

(c) if not, when will the recommendations be implemented as promised;

(d) if yes, which of the recommendations have been implemented; and

(e) with what results?

Dr HAMES replied:

(a) I am not aware of an Aboriginal Women’s Business Conference being held in 1994.

(b)-(e) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Staff and Programs

89. Mr GRAHAM to the Minister for Housing; Aboriginal Affairs; Water Resources:

What are -

(a) the numbers of departmental staff in departments under the Minister's control located in the following towns -

(i) Port Hedland;
(ii) South Hedland;
(iii) Tom Price;
(iv) Paraburdoo;
(v) Telfer;
(vi) Marble Bar;
(vii) Nullagine;
(viii) Karratha;
(ix) Halls Creek;
(x) Wiluna;
(xi) Dampier;
(xii) Roebourne; and
(xiii) Wickham;

(b) the classifications of those staff;

(c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Dr HAMES replied:

Water & Rivers Commission:

(a)-(b)	(viii)	7 staff	Level 7 x 1 WIW Level 4 x 1 Level 4 x 1 Level 3 x 2 Level 2 x 2

(c) Management and measurement of water resources in the Pilbara and administration of Water and Rivers Commission activities for the North West Region.

Water Corporation:

(a)-(b)	(ii)	21 staff	C11 Fitter x 1 C8 + Fitter x 7 C6 Electrician x 1 Level 5 x 1 WIW Level 4 x 4 Level 4 x 1 WIW Level 3 x 2 Level 3 x 1 WIW Level 2 x 1 Level 2 x 1 Level 1 x 1
	(viii)	67 staff	Level 7 x 3 Level 6 x 3 WIW Level 6 x 1 Level 5 x 7 WIW Level 5 x 1 Level 4 x 16 WIW Level 4 x 2 Level 3 x 7 WIW Level 3 x 8 Level 2 x 10 Level 2-4/5 x 1 Level 1 x 4 Reporting Level 3 x 1 C8 x 2 C7 x 1
	(ix)	2 staff	WIW Level 4 x 1 WIW Level 3 x 1 WIW = Water Industry Worker C8/C7 etc = Mechanical/Electrical trades person

(c) Provision of Water and Wastewater Services: Port Hedland, South Hedland, Karratha, Halls Creek, Roebourne and Wickham.

Provision of Water Services only: Marble Bar, Nullagine and Wiluna.

Provision of Bulk Water Supply only: Dampier.

No services proved; Telfer, Tom Price and Paraburdoo.

Homeswest:

(a)-(b)	(ii)	17.5 staff	Level 7 x 1 Level 5 x 1 Level 4 x 1 Level 3 x 5 Level 2 x 3 Level 1 x 6.5
	(viii)	7 staff	Level 4 x 1 Level 3 x 3 Level 2 x 1 Level 1 x 2

(c) Programmes under the Commonwealth State Housing Agreement including:
Crisis Accommodation Programme
Community Housing Programme
Aboriginal Rental Housing Programme
Rental Programme
Home Ownership Programmes (Keystart, Good Start, Right to Buy, Aboriginal, Real Start and Access for people with disabilities)
Housing Access Loan Programme
Supported Housing Assistance Programme
Land Development Programme
Management Support Programme
Mobile Maintenance Programme
Estate Improvement Programme

Government Employees Housing Authority:

(a)-(b)	(i)	2 staff	Level 4 x 1 Level 1 x 1
	(viii)	3 staff	Level 4 x 1 Level 1 x 1 (shared by 2 staff part-time)

(c)	(vi)	Construction of 3 houses.
	(vii)	Construction of 3 houses.
	(ix)	Construction of 2 houses and 6 units.
	(x)	Construction of 3 houses.
	(xi)	Construction of 1 house.
	(xii)	Construction of 2 houses

These projects may change from construction to spot purchases or leases at any time if suitable houses are located.

Aboriginal Affairs:

(a)-(b)	(i)	5 staff	Level 8 x 1 Level 6 x 1 Level 4 x 2 Level 2 x 1

(c) Aboriginal Patrols:
Pakula Patrol - Port Hedland and South Hedland.
Mingga Patrol - Roebourne

Town Reserves:
Tjalka Wara
Tjalka Boorda
Parnpajinya
Cheeditha
Bindi Bindi

Pilbara Commission of Elders
Pilbara Aboriginal Justice Council

ABORIGINES

NAIDOC National Week

136. Ms McHALE to the Minister for Aboriginal Affairs:

(1) Is the Minister aware that the Broome Aboriginal Medical Association (BAMA) is host organisation to the NAIDOC National Week in July 1998?

(2) Is the Minister further aware that this is the first time this prestigious event has been held in a regional location?

(3) Is the Minister aware that NAIDOC Week 1998 is about recognising the role and contribution made by our indigenous community and its people and this year's theme is "Bringing them Home"?

(4) Will the Minister confirm that the Aboriginal Affairs Department will provide $15 000 in funding for NAIDOC National Week in July 1998?

(5) Will the Minister confirm that the BAMA submitted an application for funding of $60 000?

(6) Will the Minister explain why the Department refused the application submitted by BAMA for $60 000 funding?

(7) Will the Minister accede to BAMA's request for adequate funding?

Dr HAMES replied:

(1) No, it was understood the Broome Aboriginal Media Association (BAMA) was hosting the event.

(2)-(3) Yes.

(4) No, an amount of $25,000 was provided.

(5) Yes, after receiving an initial $15,000 through the Aboriginal Affairs Department, the BAMA wrote to the Minister requesting either further financial or in-kind assistance towards a shortfall of $60,000.

(6) The application submitted by the BAMA was not refused. The Department provided a further $10,000 towards the financial shortfall and additional in-kind support as outlined in the request.

(7) The Western Australian Government, through a number of agencies, has provided in excess of $100,000 towards this national event and considers this level of funding to be adequate. These agencies include; Healthways ($30,000), the Lotteries Commission ($15,000), the Ministry for Culture and the Arts ($40,000) and the Aboriginal Affairs Department contribution ($25,000).

MILLENNIUM BUG

144. Ms McHALE to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Is the "Millennium Bug" computer problem an issue for any of the departments or agencies under the Minister's control?

(2) If so, when will those departments or agencies have installed and tested all Year 2000 corrections?

(3) What have been the total funds expended to date to correct the "Bug"?

(4) What is the total cost estimated to be to install all corrective measures?

(5) Do those departments or agencies intend to engage external resources to manage the process?

Dr HAMES replied:

(1) Yes.

(2) Completion is anticipated well in advance of 1 January 2000.

(3) $16,779,017.

(4) $34,680,000.

(5) Yes, one.

HOMESWEST

Atlas Landfill Site, Mirrabooka

176. Mr KOBELKE to the Minister for Housing:

(1) Is Homeswest aware that a plume of polluted water is travelling in a south-easterly direction from the Atlas land fill site in Mirrabooka?

(2) Has Homeswest ascertained whether the pollutants carried in this plume are currently under any of its land on the south side of the Reid Highway which is either currently being developed for sale in the near future or is to be subdivided and developed for sale?

(3) Is Homeswest required to disclose to potential purchasers of residential land in St Andrews Estate Dianella or Mirrabooka, south of the Reid Highway, that the ground water under that land could be contaminated from the plume of pollutants coming from the Atlas land fill site in Mirrabooka?

(4) If so, what steps have been taken by Homeswest to ensure that the contracts of sale for residential land in this area do not carry a contingent liability on Homeswest as the developer and seller of this land?

Dr HAMES replied:

(1)-(4) I have written to the member on 21 August and 12 October 1998 in respect of this question. Homeswest is maintaining liaison with the Department of Environmental Protection in respect to ground water monitoring and will continue to provide regular updates of the monitoring results to the member.

EXMOUTH, WATER AND SEWERAGE SERVICES

250. Mr BROWN to the Minister for Water Resources:

(1) Further to question on notice No 3885 of 1998, can the Minister advise what -

(a) water; and
(b) sewerage,

needs have been identified for Exmouth?

(2) What is the amount of infrastructure required to provide water for Exmouth?

(3) What is the cost of that infrastructure?

(4) What is the nature and the total cost of infrastructure needed to provide sewerage?

(5) When is it envisaged that the water and sewerage needs for Exmouth will be met?

Dr HAMES replied:

(1) (a)-(b) Water and Sewerage infrastructure is needed to cater for growth in tourism and subdivision development in the town and near the Marina. Total growth in service demand is expected to increase by 28% over the next ten years and 72% over twenty five years.

(2) Over the next twenty five years, 16 new bores 18km of bore collector pipe work varying from DN90 to DN250 in size and a new water treatment plant is required to provide water to Exmouth. Additional pipe work will be required to distribute water from the existing storage tanks. The main tank outlet will be 1500m of DN400 water main. Other pipe work will be planned, as detailed subdivision proposals become available.

(3) $3.6 million excluding local reticulation pipes normally provided by the land subdivision process.

(4) Over the next 25 years, new reticulation sewers, pumping stations and pressure mains will be required to serve new subdivisions. As the population grows the sewage treatment and effluent disposal facilities will be expanded. The cost of this wastewater system is likely to exceed $9 million.

(5) As Exmouth grows, both water and wastewater facilities will be expanded to meet the observed needs.

HOMESWEST

Security Doors

300. Ms McHALE to the Minister for Housing:

I refer to security doors on Homeswest properties and ask -

(a) will the Minister advise if security doors are manufactured to Australian security door standards;

(b) are the doors fitted to Australian security door standards; and

(c) are the installers Police licensed or members of Security Agents Institute of Western Australia?

Dr HAMES replied:

(a)-(c) Homeswest does not specify security doors or screens in accordance with the Australian Standard because of cost. In respect of Homeswest rental accommodation the following is provided:

(i) New Construction Generally: Barrier screen doors, solid core doors with deadlock and all sliding windows and doors have locks.

(ii) New Construction for Senior Citizens and People with Disabilities: In addition to the above, these dwellings have barrier screens to all sliding windows.

(iii) Existing Dwellings: All existing senior citizen units and walk up apartments have received barrier screen doors and barrier screens to ground floor and accessible windows.

There is also an ongoing programme to fit barrier screens and doors to dwellings where it can be justified, for example, domestic violence and high crime areas.

NATIONAL DAIRIES WA LIMITED

437. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

(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?

Dr HAMES replied:

(1) No.

(2)-(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

539. Mr BROWN to the Minister for Environment; Labour Relations:

(1) How much did each department and agency under the Minister's control spend on advertising in-

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mrs EDWARDES replied:

The agencies under the portfolios of Environment and Labour Relations have expended the following on the placement of government advertising. To provide finite costings of production and other associated costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with a particular agency's advertising I would be prepared to consider the member's request.

Department of the Registrar, Western Australian Industrial Relations Commission

(1) (a) $12 674
(b) $31 099

(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$12 674

(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$31 099

Environmental Protection Authority:

(1)	(a)	1996-97	$155 637	
	(b)	1997-98	$180 107	
(2)	(a)	1996-97	Television	$12 537
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$143 100
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$180 107

Kings Park and Botanic Garden:

(1)	(a)	1996-97	$0	
	(b)	1997-98	$1 321	
(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$0
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$1 321

WorkCover WA:

(1)	(a)	1996-97	$13 118	
	(b)	1997-98	$14 305	
(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$13 118
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$14 305

Perth Zoo:

(1)	(a)	1996-97	$191 109	
	(b)	1997-98	$196 641	
(2)	(a)	1996-97	Television	$53 011
	(b)	1997-98	Radio	$52 271
	(c)	1996-97	Newspapers	$85 825
(3)	(a)	1997-98	Television	$62 782
	(b)	1997-98	Radio	$57 603
	(c)	1997-98	Newspapers	$76 255

WorkSafe Western Australia

(1)	(a)	1996-97	$405 305	
	(b)	1997-98	$627 592	
(2)	(a)	1996-97	Television	$238 998
	(b)	1996-97	Radio	$45 261
	(c)	1996-97	Newspapers	$50 371
(3)	(a)	1997-98	Television	$528 336
	(b)	1997-98	Radio	$47 537
	(c)	1997-98	Newspapers	$46 867

The Department of Conservation and Land Management:

(1)	(a)	1996-97	$285 880	
	(b)	1997-98	$266 548	
(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$1820
	(c)	1996-97	Newspapers	$284 060
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$266 548

Department of Productivity and Labour Relations:

(1)	(a)	1996-97		$409 451
	(b)	1997-98		$93 905
(2)	(a)	1996-97	Television	$152 012
	(b)	1996-97	Radio	$53 591
	(c)	1996-97	Newspapers	$202 718
(3)	(a)	1997-98	Television	$-6 234
	(b)	1997-98	Radio	$-16
	(c)	1997-98	Newspapers	$99 150

Commissioner of Workplace Agreements:

(1)	(a)	1996-97		$2 608
	(b)	1997-98		$4 182
(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$2 608
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$4 182

Kings Park Board:

(1)	(a)	1996-97		$6 149
	(b)	1997-98		$19 235
(2)	(a)	1996-97	Television	$0
	(b)	1996-97	Radio	$0
	(c)	1996-97	Newspapers	$6 149
(3)	(a)	1997-98	Television	$0
	(b)	1997-98	Radio	$0
	(c)	1997-98	Newspapers	$19 235

All agencies:

(4)-(5) In the 1998-99 financial year, expenditure will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

543. Mr BROWN to the Minister for Police; Emergency Services:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr PRINCE replied:

The agencies under my portfolios of Police and Emergency Services have expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

BUSH FIRES BOARD

(1)	(a)	96/97	$7,628	
	(b)	97/98	$950	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$3,135
	(c)	96/97	Newspapers	$4,493
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$950

FIRE & RESCUE SERVICES

(1)	(a)	96/97	$164,573	
	(b)	97/98	$176,684	
(2)	(a)	96/97	Television	$74,355
	(b)	96/97	Radio	$26,865
	(c)	96/97	Newspapers	$61,771
(3)	(a)	97/98	Television	$127,193
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$50,282

WA POLICE SERVICE (INCLUDES FIRE ARMS BUY-BACK)

(1)	(a)	96/97	$398,175	
	(b)	97/98	$353,728	
(2)	(a)	96/97	Television	$76,962
	(b)	96/97	Radio	$43,230
	(c)	96/97	Newspapers	$274,596
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$59,759
	(c)	97/98	Newspapers	$289,303

WA POLICE SERVICE (IMMOBILISER CAMPAIGN ONLY)

(1)	(a)	96/97	$236,466	
	(b)	97/98	$104,976	
(2)	(a)	96/97	Television	$85,515
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$113,292
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$71,898
	(c)	97/98	Newspapers	$10,030

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

544. Mr BROWN to the Minister for Health:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr DAY replied:

The agencies which fall within the Health portfolio have expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

ARMADALE HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$1,597	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,597

ARMADALE KELMSCOTT HEALTH SERVICE

(1)	(a)	96/97	$13,876	
	(b)	97/98	$13,195	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$13,876
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$13,195

AVON HEALTH SERVICE

(1)	(a)	96/97	$11,034	
	(b)	97/98	$17,937	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$11,034
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$17,937

BENTLEY HEALTH SERVICE

(1)	(a)	96/97	$28,162	
	(b)	97/98	$27,389	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$28,162
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$27,389

BODDINGTON DISTRICT HOSPITAL

(1)	(a)	96/97	$0	
	(b)	97/98	$742	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$742

BRIDGETOWN DISTRICT HOSPITAL

(1)	(a)	96/97	$258	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$258
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

BROOME HEALTH SERVICE

(1)	(a)	96/97	$742	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$742
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

BRUCE ROCK MEMORIAL HOSPITAL

(1)	(a)	96/97	$563	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$563
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

BUNBURY HEALTH SERVICE

(1)	(a)	96/97	$32,952	
	(b)	97/98	$50,684	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$32,952
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$50,684

CARNARVON REGIONAL HOSPITAL

(1)	(a)	96/97	$4,390	
	(b)	97/98	$0	

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$4,390
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

CENTRAL GREAT SOUTHERN HEALTH

(1)	(a)	96/97	$13,281	
	(b)	97/98	$8,032	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$13,281
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$8,032

CENTRAL WHEATBELT HEALTH SERVICE

(1)	(a)	96/97	$4,584	
	(b)	97/98	$3,945	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$4,584
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$3,945

CHILD ACCIDENT PREVENTION UNIT

(1)	(a)	96/97	$-950	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$-990
	(c)	96/97	Newspapers	$39
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

COASTAL & WHEATBELT HEALTH UNIT

(1)	(a)	96/97	$195	
	(b)	97/98	$789	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$195
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$120
	(c)	97/98	Newspapers	$669

COLLIE DISTRICT HOSPITAL

(1)	(a)	96/97	$9,487	
	(b)	97/98	$1,535	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$9,487
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,535

COLLIE HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$30,915	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$30,915

CORRIGIN DISTRICT HOSPITAL

(1)	(a)	96/97	$1,498	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,498
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

CUNDERDIN DISTRICT HOSPITAL

(1)	(a)	96/97	$512	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$512
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

DERBY HEALTH SERVICE

(1)	(a)	96/97	$55,487	
	(b)	97/98	$56,148	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$55,487
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$56,148

DONGARA HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$1,962	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,962

DONNYBROOK HOSPITAL

(1)	(a)	96/97	$963	
	(b)	97/98	$322	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$963
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$322

DONNYBROOK/BALINGUP HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$4,643	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,643

DUNDAS HEALTH SERVICE

(1)	(a)	96/97	$435	
	(b)	97/98	$1,007	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$435
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,007

EAST KIMBERLEY HEALTH SERVICE

(1)	(a)	96/97	$90,544	
	(b)	97/98	$31,672	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$90,544
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$31,672

EAST PERTH PUBLIC & COMMUNITY HEALTH UNIT

(1)	(a)	96/97	$0	
	(b)	97/98	$507	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$507

EAST PILBARA HEALTH SERVICE

(1)	(a)	96/97	$2,110	
	(b)	97/98	$28,539	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$2,110
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$28,539

EASTERN WHEATBELT HEALTH SERVICE

(1)	(a)	96/97	$10,569	
	(b)	97/98	$7,664	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$10,569
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$7,664

ESPERANCE HEALTH SERVICE

(1)	(a)	96/97	$1,545	
	(b)	97/98	$1,890	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,545
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,890

FITZROY VALLEY HEALTH SERVICE

(1)	(a)	96/97	$0
	(b)	97/98	$3,132

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$3,132

FREMANTLE HOSPITAL

(1)	(a)	96/97	$185,682
	(b)	97/98	$200,981

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$185,682
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$200,981

GASCOYNE COMMUNITY HEALTH SERVICE

(1)	(a)	96/97	$0
	(b)	97/98	$902

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$902

GASCOYNE HEALTH SERVICE

(1)	(a)	96/97	$37,278
	(b)	97/98	$40,551

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$37,252
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$40,551

GASCOYNE PUBLIC HEALTH UNIT

(1)	(a)	96/97	$16,214
	(b)	97/98	$28,871

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$16,214
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$28,871

GERALDTON HEALTH SERVICES

(1)	(a)	96/97	$41,000
	(b)	97/98	$30,448

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$40,982
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$30,448

GOLDFIELDS PUBLIC HEALTH

(1)	(a)	96/97	$5,494
	(b)	97/98	$0

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$5,494

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

GRAYLANDS HOSPITAL

(1)	(a)	96/97	$29,885	
	(b)	97/98	$35,332	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$29,885
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$35,332

HARVEY HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$4,015	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,015

HARVEY YARLOOP HEALTH SERVICE

(1)	(a)	96/97	$1,613	
	(b)	97/98	$1,031	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,613
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,031

HEALTH DEPARTMENT

(1)	(a)	96/97	$1,161,078	
	(b)	97/98	$1,444,414	
(2)	(a)	96/97	Television	$581,434
	(b)	96/97	Radio	$218,265
	(c)	96/97	Newspapers	$271,695
(3)	(a)	97/98	Television	$747,038
	(b)	97/98	Radio	$198,630
	(c)	97/98	Newspapers	$346,541

HEALTHWAY

(1)	(a)	96/97	$436,678	
	(b)	97/98	$139,613	
(2)	(a)	96/97	Television	$360,370
	(b)	96/97	Radio	$12,140
	(c)	96/97	Newspapers	$54,197
(3)	(a)	97/98	Television	$99,734
	(b)	97/98	Radio	$6,375
	(c)	97/98	Newspapers	$15,684

KALAMUNDA HEALTH SERVICE

(1)	(a)	96/97	$870	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$870
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

KELLERBERRIN MEMORIAL HOSPITAL

(1)	(a)	96/97	$0	
	(b)	97/98	$1,936	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,936

KIMBERLEY HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$62,075	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$62,075

KING EDWARD MEMORIAL HOSPITAL

(1)	(a)	96/97	$42,802	
	(b)	97/98	$16,777	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$42,802
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$16,777

KOH-I-NOOR NURSING HOME

(1)	(a)	96/97	$0	
	(b)	97/98	$88	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$88

KONDININ DISTRICT HOSPITAL

(1)	(a)	96/97	$640	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$640
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

LAVERTON - LEONORA HEALTH

(1)	(a)	96/97	$793	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$793
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

LAKE GRACE & DISTRICTS HEALTH

(1)	(a)	96/97	$0	
	(b)	97/98	$529	

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$529

LOWER GREAT SOUTHERN HEALTH

(1)	(a)	96/97	$33,796	
	(b)	97/98	$33,346	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$33,796
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$33,346

LOWER NORTH METRO HEALTH SERVICE

(1)	(a)	96/97	$44,215	
	(b)	97/98	$4,556	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$44,215
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,556

MERREDIN DISTRICT HOSPITAL

(1)	(a)	96/97	$8,987	
	(b)	97/98	$5,112	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$8,987
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$5,112

MID-WEST HEALTH SERVICE

(1)	(a)	96/97	$10,005	
	(b)	97/98	$2,464	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$10,005
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,464

MID-WEST PUBLIC HEALTH UNIT

(1)	(a)	96/97	$1,459	
	(b)	97/98	$6,345	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,459
(3)	(a)	97/98	Television	$2,220
	(b)	97/98	Radio	$420
	(c)	97/98	Newspapers	$3,705

MURCHISON HEALTH SERVICE

(1)	(a)	96/97	$4,481	
	(b)	97/98	$2,679	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$4,481

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,679

NAREMBEEN HOSPITAL

(1)	(a)	96/97	$1,280	
	(b)	97/98	$979	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,280
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$979

NARROGIN REGIONAL HOSPITAL

(1)	(a)	96/97	$3,789	
	(b)	97/98	$794	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$3,789
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$794

NEWMAN HEALTH SERVICE

(1)	(a)	96/97	$5,882	
	(b)	97/98	$1,774	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$5,882
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,774

NORTH METROPOLITAN HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$44,987	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$44,987

NORTH MIDLANDS DISTRICT HOSPITAL

(1)	(a)	96/97	$0	
	(b)	97/98	$1,934	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,934

NORTH WEST MENTAL HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$13,428	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$13,428

NORTHERN GOLDFIELDS HEALTH SERVICE

(1)	(a)	96/97	$96,696	
	(b)	97/98	$93,718	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$96,696
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$93,718

OFFICE OF HEALTH REVIEW

(1)	(a)	96/97	$8,793	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$8,793
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

PATH CENTRE

(1)	(a)	96/97	$24,804	
	(b)	97/98	$9,953	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$24,804
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$9,953

PEEL HEALTH SERVICES

(1)	(a)	96/97	$29,170	
	(b)	97/98	$10,376	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$28,274
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$10,376

PEMBERTON DISTRICT HOSPITAL

(1)	(a)	96/97	$209	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$209
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

PILBARA PUBLIC HEALTH UNIT

(1)	(a)	96/97	$18,494	
	(b)	97/98	$11,311	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$18,494
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$11,311

PINGELLY DISTRICT HOSPITAL

(1)	(a)	96/97	$486	
	(b)	97/98	$0	

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$486
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

PORT HEDLAND REGIONAL HOSPITAL

(1)	(a)	96/97	$39,600	
	(b)	97/98	$24,094	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$39,600
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$24,094

PRINCESS MARGARET HOSPITAL

(1)	(a)	96/97	$124,373	
	(b)	97/98	$146,193	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$123,983
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$1,860
	(c)	97/98	Newspapers	$144,333

PUBLIC & COMMUNITY HEALTH

(1)	(a)	96/97	$380	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$380
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

RAVENSTHORPE HEALTH SERVICE

(1)	(a)	96/97	$2,432	
	(b)	97/98	$2,174	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$2,432
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,174

REMOTE AREA HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$1,896	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$1,896

ROCKINGHAM/KWINANA HEALTH REGION

(1)	(a)	96/97	$18,863	
	(b)	97/98	$14,643	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$18,863

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$14,643

ROYAL PERTH HOSPITAL

(1)	(a)	96/97	$215,047	
	(b)	97/98	$221,383	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$215,031
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$221,383

RURAL HEALTH

(1)	(a)	96/97	$1,318	
	(b)	97/98	$6,915	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,318
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$6,915

SIR CHARLES GAIRDNER HOSPITAL

(1)	(a)	96/97	$142,387	
	(b)	97/98	$205,075	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$142,387
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$205,075

SOUTH EAST COASTAL HEALTH SERVICE

(1)	(a)	96/97	$15,765	
	(b)	97/98	$6,978	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$15,765
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$6,978

SWAN HEALTH SERVICE

(1)	(a)	96/97	$34,130	
	(b)	97/98	$48,422	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$34,130
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$48,422

UPPER GREAT SOUTHERN HEALTH SERVICE

(1)	(a)	96/97	$20,846	
	(b)	97/98	$16,028	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$20,846
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$16,028

VASSE LEEUWIN HEALTH SERVICE

(1)	(a)	96/97	$10,078	
	(b)	97/98	$12,014	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$10,078
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$12,014

WA ALCOHOL & DRUG AUTHORITY

(1)	(a)	96/97	$20,334	
	(b)	97/98	$2,873	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$20,334
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,873

WANNEROO HEALTH SERVICE

(1)	(a)	96/97	$14,316	
	(b)	97/98	$683	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$14,316
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$683

WARREN BLACKWOOD HEALTH SERVICE

(1)	(a)	96/97	$22,061	
	(b)	97/98	$10,998	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$22,061
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$10,998

WELLINGTON HEALTH SERVICE

(1)	(a)	96/97	$0	
	(b)	97/98	$4,486	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,486

WEST KIMBERLEY HEALTH SERVICE

(1)	(a)	96/97	$37,889	
	(b)	97/98	$4,544	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$37,889
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,544

WEST PILBARA HEALTH SERVICE

(1)	(a)	96/97	$87,913	
	(b)	97/98	$35,681	

(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$87,913
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$35,681

WESTERN HEALTH SERVICE

(1)	(a)	96/97	$8,272	
	(b)	97/98	$16,293	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$8,272
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$16,293

WOMENS CANCER PREVENTION UNIT

(1)	(a)	96/97	$104,800	
	(b)	97/98	$121,387	
(2)	(a)	96/97	Television	$53,615
	(b)	96/97	Radio	$33,848
	(c)	96/97	Newspapers	$16,329
(3)	(a)	97/98	Television	$83,426
	(b)	97/98	Radio	$9,740
	(c)	97/98	Newspapers	$19,621

WOMENS CANCER SCREENING SERVICE

(1)	(a)	96/97	$37,294	
	(b)	97/98	$12,943	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$37,294
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$12,943

WOMEN'S HEALTH RESOURCE CENTRE

(1)	(a)	96/97	$1,206	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,206
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

WYALKATCHEM - KOORDA HOSPITAL

(1)	(a)	96/97	$2,740	
	(b)	97/98	$716	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$2,740
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$716

YARLOOP DISTRICT HOSPITAL

(1)	(a)	96/97	$0	
	(b)	97/98	$357	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$357

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

545. Mr BROWN to the Minister representing the Minister for Transport:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

The Ministry has expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

BUNBURY PORT AUTHORITY

(1)	(a)	96/97	$0	
	(b)	97/98	$2,511	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,511

DAMPIER PORT AUTHORITY

(1)	(a)	96/97	$7,941	
	(b)	97/98	$2,739	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$7,941

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$2,739

DEPARTMENT OF TRANSPORT

(1)	(a)	96/97	$362,255	
	(b)	97/98	$818,702	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$40,500
	(c)	96/97	Newspapers	$316,009
(3)	(a)	97/98	Television	$201,394
	(b)	97/98	Radio	$74,473
	(c)	97/98	Newspapers	$536,513

ESPERANCE PORT AUTHORITY

(1)	(a)	96/97	$1,664	
	(b)	97/98	$8,170	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,664
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$6,175

FREMANTLE PORT AUTHORITY

(1)	(a)	96/97	$31,341	
	(b)	97/98	$35,719	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$31,341
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$35,719

GERALDTON PORT AUTHORITY

(1)	(a)	96/97	$0	
	(b)	97/98	$19,052	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$19,052

MAIN ROADS WA

(1)	(a)	96/97	$878,662	
	(b)	97/98	$715,500	
(2)	(a)	96/97	Television	$198,541
	(b)	96/97	Radio	$133,440
	(c)	96/97	Newspapers	$508,204
(3)	(a)	97/98	Television	$35,815
	(b)	97/98	Radio	$56,502
	(c)	97/98	Newspapers	$623,183

METROBUS

(1)	(a)	96/97	$30,957	
	(b)	97/98	$4,739	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$30,044
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$4,739

OFFICE OF ROAD SAFETY

(1)	(a)	96/97	$1,668,357	
	(b)	97/98	$1,039,704	
(2)	(a)	96/97	Television	$1,189,335
	(b)	96/97	Radio	$242,662
	(c)	96/97	Newspapers	$95,310
(3)	(a)	97/98	Television	$598,430
	(b)	97/98	Radio	$241,151
	(c)	97/98	Newspapers	$103,111

PORT HEDLAND PORT AUTHORITY

(1)	(a)	96/97	$2,891	
	(b)	97/98	$0	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$2,891
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$0

TRANSPERTH

(1)	(a)	96/97	$335,516	
	(b)	97/98	$364,780	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$38,902
	(c)	96/97	Newspapers	$293,360
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$57,574
	(c)	97/98	Newspapers	$269,827

WESTRAIL

(1)	(a)	96/97	$140,350	
	(b)	97/98	$138,620	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$2,960
	(c)	96/97	Newspapers	$137,390
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$138,620

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

546. Mr BROWN to the Minister representing the Minister for Finance:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

(1)	(a)		$7,161
	(b)		$36,759
(2)	(a)	Television	Nil
	(b)	Radio	Nil
	(c)	Newspapers	$7,161
(3)	(a)	Television	Nil
	(b)	Radio	Nil
	(c)	Newspapers	$36,759

Valuer General's Office

(1)	(a)		$24,838
	(b)		$22,989
(2)	(a)	Television	$16,775
	(b)	Radio	Nil
	(c)	Newspapers	$8,063
(3)	(a)	Television	$12,250
	(b)	Radio	Nil
	(c)	Newspapers	$10,739

Government Employees Superannuation Board

(1)	(a)		$10,267.03
	(b)		$16,625.68
(2)	(a)	Television	Nil
	(b)	Radio	Nil
	(c)	Newspapers	$7,397.03
(3)	(a)	Television	Nil
	(b)	Radio	Nil
	(c)	Newspapers	$13,150.08

Insurance Commission of WA

(1)	(a)		$353,473.31
	(b)		$659,444.73
(2)	(a)	Television	$81,887
	(b)	Radio	Nil
	(c)	Newspapers	$22,816
(3)	(a)	Television	$348,155
	(b)	Radio	Nil
	(c)	Newspapers	$66,622

(4)-(5) In the 1998/99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

547. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor

(1)	(a)	Office of Racing, Gaming and Liquor	$11,904.82
		Betting Control Board	$ 202.40
		Gaming Commission of WA	$ 279.84
	(b)	Office of Racing, Gaming and Liquor	$28,373.50
		Betting Control Board	$ 422.40
		Gaming Commission of WA	Nil
(2)	(a)-(b)	Nil	
	(c)	Office of Racing, Gaming and Liquor	$2,114.78
		Betting Control Board	$ 202.40
		Gaming Commission of WA	Nil
(3)	(a)-(b)	Nil	
	(c)	Office of Racing, Gaming and Liquor	$4,716.76
		Betting Control Board	$ 422.40
		Gaming Commission of WA	Nil

Burswood Park Board

(1)	(a)	$56,900
	(b)	$15,700
(2)	(a)	$35,000
	(b)	Nil
	(c)	$ 5,860
(3)	(a)-(b)	Nil
	(c)	$ 2,070

TAB

(1)	(a)	$710,217
	(b)	$374,330
(2)	(a)	$389,703
	(b)	$ 42,394
	(c)	$278,120
(3)	(a)	$178,716
	(b)	$ 48,960
	(c)	$146,654

W A Greyhound Racing Authority

(1)	(a)	$466,500
	(b)	$323,050
(2)	(a)	$ 98,800
	(b)	$116,850
	(c)	$ 66,550
(3)	(a)	Nil
	(b)	$ 32,400
	(c)	$ 61,550

Lotteries Commission

(1)	(a)	$6,068,042
	(b)	$5,655,262
(2)	(a)	$4,189,756
	(b)	$ 295,958
	(c)	$1,370,241
(3)	(a)	$3,408,612
	(b)	$ 404,622
	(c)	$1,222,284

(4)-(5) In the 1998/99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

549. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr SHAVE replied:

The Ministry of Fair Trading, Department of Land Administration, LandCorp and the Western Australian Electoral Commission have expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

DEPARTMENT OF LAND ADMINISTRATION

(1)	(a)	96/97	$329,830	
	(b)	97/98	$272,592	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$29,880
	(c)	96/97	Newspapers	$298,171
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$272,592

ELECTORAL COMMISSION

(1)	(a)	96/97	$580,965	
	(b)	97/98	$13,261	
(2)	(a)	96/97	Television	$237,575
	(b)	96/97	Radio	$20,833
	(c)	96/97	Newspapers	$293,531
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$13,261

LANDCORP

(1)	(a)	96/97	$630,580	
	(b)	97/98	$661,331	
(2)	(a)	96/97	Television	$127,457
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$496,727
(3)	(a)	97/98	Television	$136,336
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$522,328

MINISTRY OF FAIR TRADING

(1)	(a)	96/97	$51,329	
	(b)	97/98	$70,874	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$51,329
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$70,874

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

552. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Dr HAMES replied:

The Agencies under my control have expended the following on the placement of government advertising. To provide detailed costings of production and other costs would require the direction of significant resources to provide this information. I am not prepared to allocate the resources required to provide this information. If, however, the member has a specific request regarding further costs associated with advertising I would be prepared to consider the member's request.

ABORIGINAL AFFAIRS DEPARTMENT

(1)	(a)	96/97	$75,298	
	(b)	97/98	$66,836	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$75,298
(3)	(a)	97/98	Television	$1,919
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$64,917

COUNTRY HOUSING AUTHORITY

(1)	(a)	96/97	$3,581	
	(b)	97/98	$496	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$3,581
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$496

GOVERNMENT EMPLOYEE HOUSING AUTHORITY

(1)	(a)	96/97	$25,429	
	(b)	97/98	$38,182	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$25,429
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$38,182

HOMESWEST

(1)	(a)	96/97	$1,599,139	
	(b)	97/98	$1,073,613	
(2)	(a)	96/97	Television	$122,805
	(b)	96/97	Radio	$103,652
	(c)	96/97	Newspapers	$1,358,735
(3)	(a)	97/98	Television	$6,325
	(b)	97/98	Radio	$48,330
	(c)	97/98	Newspapers	$1,009,982

KEYSTART LOANS

(1)	(a)	96/97	$5,936	
	(b)	97/98	$703	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$5,936

(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$703

OFFICE OF WATER REGULATION

(1)	(a)	96/97	$65,046	
	(b)	97/98	$20,332	
(2)	(a)	96/97	Television	$21,863
	(b)	96/97	Radio	$8,400
	(c)	96/97	Newspapers	$34,783
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$20,332

SWAN RIVER TRUST

(1)	(a)	96/97	$1,009	
	(b)	97/98	$594	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,009
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$594

WATER & RIVERS COMMISSION

(1)	(a)	96/97	$98,793	
	(b)	97/98	$322,791	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$1,230
	(c)	96/97	Newspapers	$97,563
(3)	(a)	97/98	Television	$139,504
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$183,286

WATER CORPORATION

(1)	(a)	96/97	$620,556	
	(b)	97/98	$806,083	
(2)	(a)	96/97	Television	$227,991
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$388,551
(3)	(a)	97/98	Television	$166,911
	(b)	97/98	Radio	$31,292
	(c)	97/98	Newspapers	$598,249

(4)-(5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

553. Mr BROWN to the Minister for Works and Services; Youth; Citizenship and Multicultural Interests;

(1) How much did each department and agency under the Minister's control spend on advertising in -

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

(2) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1996-97 financial year?

(3) How much did each department and agency under the Minister's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1997-98 financial year?

(4) How much does each department and agency under the Minister's control plan to spend on advertising in the 1998-99 financial year?

(5) How much does each department and agency under the Minister's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1998-99 financial year?

Mr BOARD replied:

The State Government's Master Media Agency, Media Decisions, is responsible for purchasing all advertising for Government Departments and has provided the following expenditure figures for the categories requested by the member.

CELEBRATE WA

(1)	(a)	96/97	$49,238	
	(b)	97/98	$47,960	
(2)	(a)	96/97	Television	$3,176
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$46,062
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$47,960

Production costs not included.

CONTRACT AND MANAGEMENT SERVICES

(1)	(a)	96/97	$211,556	
	(b)	97/98	$336,300	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$211,556
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$336,300

Approximate production costs included.

OFFICE OF MULTICULTURAL INTERESTS

(1)	(a)	96/97	$1,021	
	(b)	97/98	$5,916	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$1,021
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$5,916

Production costs included.

OFFICE OF THE HONOURABLE MIKE BOARD JP MLA

(1)	(a)	96/97	$0	
	(b)	97/98	$724	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$0
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$724

Production costs not included.

OFFICE OF YOUTH AFFAIRS

(1)	(a)	96/97	$7,892	
	(b)	97/98	$220,981	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$7,892
(3)	(a)	97/98	Television	$100,446
	(b)	97/98	Radio	$51,094
	(c)	97/98	Newspapers	$69,440

Production costs included.

STATE SUPPLY COMMISSION

(1)	(a)	96/97	$19,430	
	(b)	97/98	$11,647	
(2)	(a)	96/97	Television	$0
	(b)	96/97	Radio	$0
	(c)	96/97	Newspapers	$19,430
(3)	(a)	97/98	Television	$0
	(b)	97/98	Radio	$0
	(c)	97/98	Newspapers	$9,604

Production costs included.

(4)-5) In the 1998-99 financial year, expenditure on advertising will be as required to meet needs and will be controlled to ensure that it is met from the existing resources of the agencies.

MINISTERIAL OFFICES

Staff, Vehicles, Mobile Phones and Credit Cards

559. Mr RIPPER to the Minister for Health:

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 DAY replied:

(1)

Robert Reid	Level 8	Term of Government
Adrienne Thompson	Level 7(HDA)	Public Servant
Helena Sharp	Level 6	Term of Government
Karen Newman	Level 6	Term of Government
Glen Power	Level 5	Term of Minister
Mark Thompson	Level 6	Term of Government
Jill Kennedy	Level 3	Public Servant
Helen Raykos	A/Level 3	Public Servant
Melva Malarkey	A/Level 2	Public Servant
Val Hogan	Level 2	3 Month Contract

(2)-(4)

Staff	Vehicle	Mobile Phone	Credit Card
Robert Reid	Yes	Yes	Yes (x2)
Adrienne Thompson	Yes	Yes	No
Helena Sharp	Yes	Yes	No
Karen Newman	Yes	Yes	Yes (x2)
Glen Power	Yes	Yes	Yes
Mark Thompson	Yes	Yes	Yes
Jill Kennedy	No	No	Yes (x2)
Helen Raykos	No	No	Yes
Melva Malarkey	No	No	Yes

DOMESTIC VIOLENCE MINISTERIAL REFERENCE GROUP

651. Ms WARNOCK to the Minister for Women's Interest:

(1) When will the Domestic Violence Ministerial Reference Group be established?

(2) What is the purpose of this committee?

(3) Who will serve on the committee?

(4) How often will it meet?

(5) Will its meetings be public?

(6) If it is to be an advisory group to the Minister, who has been responsible for advising the Minister in the absence of such a group?

Mrs PARKER replied:

(1) The Domestic Violence Ministerial Reference Group has been established.

(2) The role of the Domestic Violence Ministerial Reference Group is to provide impartial and informed expert advice to the Minister for Women's Interests and to contribute to the identification of needs and trends in the areas of domestic violence.

(3) Ms Elizabeth Conti (Chairperson), Ms Doreen Blum, Dr Julie Quinlivan, Mr Dawson Ruhl, Ms Robin Shine, Ms Jenny Monson and Ms Daphne Smith.

(4) Minimum of twice per year.

(5) No.

(6) The Domestic Violence Prevention Unit and other relevant community groups.

GOVERNMENT DEPARTMENTS AND AGENCIES

Compliance with Section 175ZE of the Electoral Act

659. Mr RIEBELING to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Which public agencies within the Minister's portfolios are required to comply with section 175ZE ("the section") of the Electoral Act 1907?

(2) Which of those agencies included the required statement in their annual report?

(3) Which of those agencies did not include the required statement in their annual report?

(4) In respect of those agencies which did not include the required statement, will the Minister require the agencies to amend their annual report to include the required statement?

(5) In the case of those agencies which did not include the required statement, why did they not include it?

(6) What is the amount of expenditure incurred by or on behalf of each such agency in relation to the matters set out in the section 175ZE -

(a) in the 1996-97 reporting period;
(b) in the 1997-98 reporting period; and
(c) in the current reporting period to date?

(7) What is the name and address of each advertising agency, market research organisation, polling organisation and direct mail organisation on which expenditure has been incurred since 1 July 1996 by or on behalf of each agency?

(8) When was that expenditure incurred?

(9) What was the value of the expenditure incurred in each case?

(10) What is the nature and content of the advertising, market research, polling or direct mail services provided by each agency and organisation on each occasion?

(11) What was the name of the officer incurring each item of expenditure?

(12) What was the name of the certifying officer in relation to each item of expenditure?

(13) What is the name of the principal officer in each agency responsible for ensuring that the statement required under section 175ZE is included in the agency's annual report?

Mrs PARKER replied:

(1) Family and Children's Services.
Office of Seniors Interests.
Women's Policy Development Office.

(2) Family and Children's Services.
Office of Seniors Interests.

(3) Women's Policy Development Office.

(4) See questions (6)-(12).

(5) Women's Policy Development Office was not aware of the requirement to provide the Statement specified under this section of the Electoral Act, which concerns Political Finance.

(6)-(12) Section 175ZE of the Electoral Act requires that all public agencies publish annually information on expenditure on advertising, market research, polling, direct mail and media advertising. This section came into force in October 1996 and has only operated since then. The Western Australian Treasury was advised a number of months ago by the Western Australian Electoral Commission of this requirement which was then noted in the instructions to agencies for the preparation of Annual Reports. In the Political Finance Report 1997, tabled 12 August 1998, the Electoral Commissioner recommended:

> That section 175ZE of the Electoral Act 1907 regarding reporting on electoral expenditure by public agencies be moved to a more appropriate piece of legislation such as the Financial Administration and Audit Act 1985.

The Government intends to give early and favourable consideration to this, and bring forward the necessary amendments to the Electoral Act. All agencies in my portfolio are now aware of the requirement to meet the provisions of section 175ZE of the Electoral Act, and henceforth will be providing the appropriate information. However, I am not prepared for agencies to devote the considerable resources necessary to retrospectively prepare this report, and in particular to provide the level of detail requested. If the member has a question in relation to a specific advertising contract I will endeavour to provide the information.

(13)	Family and Children's Services	Mr Graeme Watt, Executive Director, Business Management
	Office of Seniors Interests	Ms Dianne Moran, Executive Director
	Women's Policy Development Office	Ms Astrid Norgard, Executive Director

TIMBER EXPORTS

758. Dr CONSTABLE to the Minister for the Environment:

In respect of timber exported from Western Australia in each of the last five years -

(a) what quantities were exported;
(b) what types were exported;
(c) what was the purpose or use of the timber;
(d) from what regions was the timber harvested;
(e) what was the economic value of the timber; and
(f) what percentage of the total harvest did the export quantity comprise?

Mrs EDWARDES replied:

(a)-(f) CALM does not collect data regarding the exports of timber based products. The data is collected by the Australian Bureau of Statistics and published by the Australian Bureau of Agricultural and Resource Economics (ABARE) in 'Australian Forest Products Statistics'. The publication gives data by State on exports of sawnwood (volume, value, and country of export), separated into coniferous roughsawn and dressed, and broadleaved roughsawn and dressed. Exports of miscellaneous forest products are handled similarly by State. However, only national data is available (volume, value and country of export) for roundwood, railway sleepers, veneers, plywood, board products. National data (tonnes, value and country of export) are available for paper and paperboard, paper manufacture, wastepaper, wood pulp and pulpwood.

METROBUS REDUNDANCIES

778. Dr CONSTABLE to the Minister representing the Minister for Transport:

(1) Why were the MetroBus employees who joined private tenderers in 1996 not offered redundancies based on two weeks pay for each year of service, on par with the remaining employees of MetroBus who have recently been made redundant?

(2) Will the original group of employees now be paid an amount equivalent to the recent redundancies, and if not, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) The employees who joined private tenderers in 1996 possessed more options than those remaining who were recently made redundant. Those employees could elect to remain in the employment of MetroBus and be redeployed internally, redeployed in the public sector, transfer to the private bus operator or accept a redundancy. For those recently made redundant, faced with the certain termination of MetroBus' function as a bus service provider, there was need to provide an increased consideration in order to offset the reduced options available to those employees. For these reasons the Government will not pay redundancies to the MetroBus employees who joined first tenderers in 1996.

(2) No.

DRINKING WATER GUIDELINES

866. Dr EDWARDS to the Minister for Water Resources:

(1) What guidelines are used for drinking water quality in Western Australia?

(2) How do these guidelines compare with those in other States?

(3) What is our water tested for?

(4) How often is each substance or attribute tested for -

(a) in the metropolitan area; and
(b) in country towns?

(5) How often was testing for *crypto sporidium* undertaken in the following years and what were the results in -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(6) How often was testing for *giardia* undertaken in the following years and what were the results in -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(7) How often was testing for *naeglaria* undertaken in the following years and what were the results in -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(8) Where is this testing undertaken?

(9) Which laboratory analyses the results?

(10) What has been the cost of testing in each of the following years -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(11) Where are the samples for the testing obtained?

(12) Where are the results of this testing available?

(13) What plans has the Government put in place to deal with an outbreak of *cryptosporidiosis*?

(14) Will the Minister table these plans?

(15) If not, why not?

(16) If a positive sample of *naeglaria* is found, what steps are taken to deal with the problem?

(17) What steps are being taken to prevent the following -

(a) *cryptosporidiosis*;
(b) *giardia*; and
(c) *naeglaria*?

(18) How much was or is being spent on education and promotion of water conservation in the following years -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(19) What demand management initiatives are being undertaken -

(a) with the public; and
(b) with major commercial customers?

(20) What was or is being spent on these initiatives in the following years -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998?

(21) Is the Minister aware that disinfectant by-products, in particular chloroform are suspected to cause cancer, liver and kidney damage, miscarriages and birth defects?

(22) What testing has been carried out in Western Australia?

(23) What *trihalomethanes* were tested?

(24) Where has the testing been carried out?

(25) When was the testing carried out?

(26) What were the results?

(27) What is the allowed level of -

(a) each of the *trihalomethanes*; and
(b) total *trihalomethanes*?

(28) Is the Water Corporation investigating alternative methods of disinfection?

(29) What alternative methods have been investigated?

(30) What does the Water Corporation propose to do about the problem?

Dr HAMES replied:

(1) A combination of the 1987 Australian Drinking Water Guidelines, parts of the 1996 Australian Drinking Water Guidelines and other requirements as specified by the Health Department of Western Australia.

(2) Other States also use the Australian Drinking Water Guidelines.

(3) Schemes operated by the Water Corporation are tested for the characteristics specified in the 1987 Australian Drinking Water Guidelines and for amoebae as required by the Health Department of Western Australia.

(4) See paper No 420.

(5)-(6) The Australian Drinking Water Guidelines do not require monitoring for cryptosporidium and giardia. The Health Department of Western Australia has not required the Water Corporation to test for cryptosporidium and giardia. The Corporation has undertaken some testing for cryptosporidium and giardia over the last 5 years. The results indicate zero or very low, insignificant levels of the parasites. [See paper No 420.]

(7) Routine testing for Naegleria species of amoebae has been undertaken, on a monthly basis, according to the table below which is based on times when water temperatures may be elevated.

Table - Amoebae Sampling Periods for Western Australia

Regions	Sampling required
North West	All year round
Mid West except south western localities	All year round
Mid West south western localities	October - May
Goldfields & Agricultural	October -May
Metropolitan Area	November - April
South West	November - April
Great Southern	November - April

The frequency and results of testing are as follows:

	1994/95	1995/96	1996/97	1997/98
Metropolitan				
No of tests	277	300	310	264
% Naegleria free	100	100	100	100
Country				
No of tests	2566	2625	2802	3016
% Naegleria free	97.7	97.5	98.0	97.9

Note that the annual compliance target is 95%

(8) Naegleria testing has been undertaken in all schemes except Albany and Denmark, which were exempted based on water temperature.

(9) Naegleria testing is carried out by the PathCentre, the Health Department laboratory located at QE2 Centre.

(10) The cost of Naegleria testing has been as follows:

1994/95	1995/96	1996/97	1997/98
$52,595	$54,113	$57,572	$60,680

Note that this is only the analysis cost ($18.50/sample).

(11) From reticulation mains.

(12) Annual report of the Advisory Committee for Purity of Water.

(13) The Health Department of Western Australia is the lead combat agency for larger scale outbreak of disease in the community. This question should be referred to the Minister for Health.

(14) Not applicable, refer to Minister for Health.

(15) Not applicable.

(16) Immediate resampling together with immediate investigation to determine the source of the contamination, complemented by remedial action as appropriate.

(17) The Corporation maintains a barrier approach to prevent the entry and transmission of any organism of concern to public health. Barriers include:

managing catchments to exclude activities which may pollute;
protecting sources from pollution;
initial disinfection prior to entering the pipe network;
maintaining disinfection residual through the pipe network;
sealed system to prevent recontamination;
maintaining equipment and assets in sound condition;
monitoring performance;
making remedial action as required.

(18)

1994	$450,000
1995	$650,000
1996	$550,000
1997	$575,000*
1998	$535,000 to date*

Figures are approximate due to accounting systems being structured to reflect expenditure in financial year periods.

* Incorpates expenditure by Water Corporation and Water and Rivers Commission.

(19) Demand management initiatives with the public :
introducing water efficient toilets
introducing water efficient showerheads;
promoting water efficient washing machines;
promoting water efficient garden irrigation;
promoting water efficient garden design;
promoting waterwise schools, a program that forms part of the school curriculum.

Demand management initiatives with commercial customers:
conducting water audits of major non-domestic users;
reducing the instance of unmeasured water;
reducing leakage within the water distribution scheme;
training waterwise plumbers, a training program designed for plumbers;
training water auditors, a training program designed for consultants to the water industry;
training waterwise irrigators, a training program designed for irrigation contractors;
training waterwise representatives, a training program designed for hardware/garden retailers;

(20)

1993/94	expenditure for this year included in Answer 18 above.
1994/95	expenditure for this year included in Answer 18 above.
1995/96	$130,000
1996/97	$110,000
1997/98	$100,000

(21) Yes, I am aware that there are some concerns regarding disinfection by-products but that medical opinion is divided on their significance and research is ongoing.

(22) Testing for trihalomethanes (THM) has been carried out.

(23) The trihalomethanes tested were chloroform ($CHCI^3$), dichlorobromo-methane ($CHBrCl^2$), dibromo-chloro-methane ($CHBr^2Cl$) and bromoform ($CHBr^3$)

(24) Testing has been carried out in all Water Corporation supplies.

(25) Comprehensive surveys of all regions of Western Australia have been progressively carried out since 1990. Supplies with high results have been subsequently retested and found to be satisfactory.

(26) See paper No 420.

(27) (a) There is no Australian guideline for each of the individual trihalomethanes.
(b) The guideline for total trihalomethanes is 0.25mg/L.

(28) Yes, the Water Corporation recently contracted GHD to carry out a Comparative Evaluation and Desk Study on Disinfection Alternatives for Small Water Supplies. This study is almost complete.

(29) Alternative methods used by the Water Corporation are UV and chloramination. Anodic Oxidation has also been trialed.

(30) Minor excursions above the guideline values have occurred on occasions. These have been brought to the attention of the Health Department but are not considered a problem in the context of lifetime exposure. Subsequent testing has indicated concentrations below guideline values. The Guidelines emphasise that while action to reduce THMs is encouraged, disinfection must not be compromised as non-disinfected water poses significantly greater risk than THMs. [See paper No 420.]

INTERNATIONAL LEARNING FOUNDATION

880. Dr CONSTABLE to the Minister for Education:

(1) What is the International Learning Foundation?

(2) What, if any, relationship does the Foundation have with the Western Australian Department of Education?

(3) What, if any, products developed by the Western Australian Department of Education will the Foundation commercialise and distribute?

(4) What payments -

(a) have passed; and
(b) will pass,

between the Foundation and the Western Australian Department of Education, and under what arrangements?

Mr BARNETT replied:

(1) The International Learning Foundation (ILF) is a wholly owned subsidiary of the Jaycees Community Foundation Inc, a not for profit organisation dedicated to community benefit.

(2) The Education Department of Western Australia has licensed the Jaycees Community Foundation Inc through ILF to market overseas the curriculum materials produced by the Schools of Isolated and Distance Education (SIDE).

(3) Materials for commercialisation are those produced by SIDE covering the K-10 curriculum delivered by SIDE. These materials are of an exceptional quality and are highly regarded both nationally and internationally.

(4) Payment in the form of royalty (20% of all revenue) on income generated passes to the Education Department of Western Australia under the conditions set down in the license agreement. It is important to point out that the underlying principles inherent in the Agreement are:

No Government funding is involved.

Public Servants will not be required to participate in the marketing and promotion of this service.

Any support services required from the Education Department of Western Australia, in particular the Schools of Isolated and Distance Education, will be purchased at a negotiated price.

The Schools of Isolated and Distance Education will not deviate from its core business.

GOVERNMENT CONTRACTS

Microfusion Pty Ltd and Voicenet (Aust) Ltd

906. Dr GALLOP to the Minister for Education:

(1) What contracts does the Education Department of Western Australia have with -

(a) Microfusion Pty Ltd; and

(b) Voicenet (Aust) Ltd?

(2) When was each contract entered into?

(3) What is the value of each contract?

(4) In what schools or other locations are the companies' products being used?

(5) Has each company complied with the terms and conditions of its contract?

(6) If no, in what respect have they failed to comply?

(7) What action is the Minister taking to ensure compliance with the contracts?

Mr BARNETT replied:

(1) (a) The Education Department of WA does not actually have any contracts with Microfusion Pty Ltd. Microfusion Pty Ltd was a subcontractor via Nimrod Holdings Pty Ltd (Contract220A/1990) for the supply of Library Automation Software. This Contract expired in June 1996, but included the on-going maintenance and support of the software until 6 June 2001.

(b) The Education Department of WA does not actually have any contracts with Voicenet (Aust.) Ltd. Voicenet (Aust.) Ltd are only selected as a preferred supplier for Library Automation System which includes software, license, training and support which is not to exceed $10 000 per site license.

(2)-(4) This information is not readily available as individual schools have delegated authority to purchase goods and services up to $20 000 per line item. It is not possible to report on individual schools at this stage. The following licenses were purchased for District and Central Office use:

Microfusion Purchase Order	Date	Value	Branch/Section
PO 15000	17/10/96	$1 440	Cleaning & Gardening
PO 15908	30/03/97	$2 080	Cross Curriculum
PO 1114	31/03/98	$4 550	Learning Difficulties & Disabilities - West Perth
PO 1691	11/06/98	$3 495	Swan Education District - Beechboro
PA 180556	02/06/98	$565	Learning Difficulties & Disabilities - West Perth
PA 180561	19/06/98	$100	Learning Difficulties & Disabilities - West Perth

Voicenet: No Purchase Orders with the Education Department.

(5)-(7) There have been a number of issues of concern between the suppliers and individual sites such as response times, level of support and other minor issues not uncommon to any contract of this type. These are currently being monitored and addressed on an ongoing basis through the Director of Curriculum at the Education Department.

SCARBOROUGH SENIOR HIGH SCHOOL CLOSURE

940. Mr RIPPER to the Minister for Education:

(1) Will the Minister provide free bus travel to Scarborough Senior High School students who are forced to relocate to Carine or Churchlands schools as a result of the closure of their school?

(2) If not, why not?

Mr BARNETT replied:

(1) Students from Scarborough Senior High School who relocate to Carine Senior High School or Churchlands Senior High School next year, will be eligible for transport assistance up to $330 for next year only.

(2) Not applicable.

SPEEDWAY, LOCATION AND FUNDING

958. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Sport and Recreation:

Further to question on notice No 2937 of 1998 -

(a) where will the proposed new speedway facility be built;
(b) who will provide the funds to build the facility; and
(c) who will operate the facility?

Mr MARSHALL replied:

(a) The Government has announced that it will be seeking to construct a combined speedway and drag racing facility at the Alcoa Mud Lakes location in Kwinana.

(b) The State Government will provide financial support for a loan for the proposed facility.

(c) This is yet to be determined.

PRIMARY EXTENSION AND CHALLENGE PROGRAM, FUNDING

976. Mr RIPPER to the Minister for Education:

(1) Does the Education Department intend to continue with central funding allocations for the Primary Extension and Challenge (PEAC) Program?

(2) If not, in what way does the Department intend to fund this program in future?

Mr BARNETT replied:

(1) The Education Department will continue with central funding to districts to allow them to conduct Primary Extension and Challenge (PEAC) programs. No changes to existing funding allocations are being considered at this time.

(2) Not applicable.

PRIMARY EXTENSION AND CHALLENGE PROGRAM, STAFFING

977. Mr RIPPER to the Minister for Education:

(1) Does the Education Department intend to continue with central staffing allocations for the Primary Extension and Challenge (PEAC) Program?

(2) If not, in what way does the Department intend to staff this program in future?

Mr BARNETT replied:

(1) Yes. No changes to existing staffing allocations are being considered at this time.

(2) Not applicable.

RETAIL TRADING, IMPACT OF MAJOR CHAINS

1002. Mr BROWN to the Minister for Fair Trading:

(1) Has the Minister received correspondence from the National Association of Retail Grocery Australia under the heading of "Enough is Enough - Retail Grocery Market Share Campaign"?

(2) Is the Minister aware the Association maintains the growth of major chains is killing off independent grocery stores and that without real competition consumers will pay more for their groceries?

(3) Is the Minister aware the Association believes a comprehensive socio-economic impact study should be undertaken to consider the impact of the growth in the dominance of major retail chains on Australian small business, jobs, families, regional areas and the community in general?

(4) Does the Government support that recommendation?

(5) If not, why not?

(6) If so, what action does the Government intend to take in this regard?

(7) Is the Minister also aware the Association believes State and Local Governments should be required to undertake an economic and social impact statement on all proposals to develop new shopping centres or significant retail developments?

(8) Does the Government support that view of the Association?

(9) If not, why not?

(10) If so, what action does the Government intend to take in this regard?

Mr SHAVE replied:

(1)-(3) Yes.

(4)-(6) The Federal Government has announced that it will set up a Joint Parliamentary Committee to investigate the social and economic impacts of the growth in market share of the major retail chains, and make recommendations as to how this problem can be addressed. This inquiry is directly relevant to the concerns raised by NARGA. It will address, at the national level, the issue of market concentration in the retail grocery sector.

(7) I am aware of the Western Australian Independent Grocers' Association's request.

(8)-(10) I am advised that significant retail developments in the Perth Metropolitan Region, unless they are consistent with an endorsed local government commercial strategy, are required to be referred to the WA Planning Commission for approval. Such proposals, under the Commission's Metropolitan Centres Policy, are normally required to be supported by comprehensive assessment information relating to economic impact on other shopping centres, the population to support the development, traffic impact and impact on the amenity of the local area.

It is obviously not the function of the Commission to prevent competition or to protect one retail interest from competition from another. However, it is the Commission's responsibility to take account of the economic effects of major shopping developments on the viability of existing and planned centres where this could result in a deterioration in the level of service to the community or undermine public investment in infrastructure and services.

KOORILLA PRIMARY SCHOOL

1019. Mr CARPENTER to the Minister for Education:

(1) Has any recent analysis been done on the long-term future of Koorilla Primary School?

(2) If so, by whom was it done and what was the result of that analysis?

(3) How many students are currently enrolled at Koorilla Primary School?

(4) How does that figure compare with enrolments for the past three years?

(5) What is the breakdown of the enrolment figure for this year of study?

(6) How do those figures compare with the figures for the previous three years?

(7) Is there a projected enrolment for 1999 and if so, what is that figure?

(8) How many teachers are at the school?

(9) Can this figure be provided in terms of Full Time Equivalents and if so, what is that figure?

(10) If not what breakdown can be given?

(11) How do those teaching figures for this year compare with figures for the previous three years?

(12) What none teaching support staff are at the school?

(13) How does that figure compare with the three previous years?

Mr BARNETT replied:

(1) No.

(2) Not applicable.

(3) 215

(4)

1997	1996	1995
234	225	224

(5)

PPR	Y01	Y02	Y03	Y04	Y05	Y06	Y07
18	24	28	28	36	28	25	28

(6)

Year	PPR	Y01	Y02	Y03	Y04	Y05	Y06	Y07
1997	23	32	30	38	28	28	28	27
1996	26	30	36	26	25	29	27	26
1995	23	35	26	33	28	26	25	28

(7) First semester enrolments for 1999 are projected to be 227 students.

(8) 15

(9) 12.2

(10) Not applicable.

(11)

	1997	1996	1995
Number	15	14	14
FTE	13.1	12.1	12.3

(12) 8 (6.1 FTE).

(13)

	1997	1996	1995
Number	6	7	7
FTE	4.6	5.4	5.6

Note: Student and staff numbers are as at second semester.

NORTH LAKE SENIOR CAMPUS

1020. Mr CARPENTER to the Minister for Education:

(1) Has any recent analysis been done on the long term future of North Lake Senior Campus?

(2) If so, by whom was it done and what was the result of that analysis?

(3) How many students are currently enrolled at North Lake Senior Campus?

(4) How does that figure compare with enrolments for the past three years?

(5) What is the breakdown of the enrolment figure for this year of study?

(6) How do those figures compare with the figures for the previous three years?

(7) Is there a projected enrolment for 1999 and if so, what is that figure?

(8) How many teachers are at the school?

(9) Can this figure be provided in terms of Full Time Equivalents and if so, what is that figure?

(10) If not what breakdown can be given?

(11) How do those teaching figures for this year compare with figures for the previous three years?

(12) What none teaching support staff are at the school?

(13) How does that figure compare with the three previous years?

Mr BARNETT replied:

(1) Yes.

(2) The Education Department is conducting a review of the Policy Regarding the Provision of Education at Senior Colleges and Senior Campuses. North Lake Senior Campus forms part of the review. The results of the review are not yet completed. It is expected to be completed by December 1998.

(3) 704

(4)

1997	1996	1995
738	750	722

(5)

Y11	Y12
401	303

(6)

Year	Y11	Y12	Education Support Unit
1997	419	319	
1996	385	339	26
1995	355	367	

(7) 700

(8) 53

(9) 50.8

(10) Not applicable.

(11)

	1997	1996	1995
Number	55	56	56
FTE	53.2	54.9	54.6

(12) 21 (15.9 FTE).

(13)

	1997	1996	1995
Number	16	16	18
FTE	12.2	12.8	13.7

Note: Student and staff numbers are as at first semester. First semester numbers have been supplied so that a valid comparison can be made with the projected number. Student numbers include the full-time equivalent of part-time students.

WESTRALIAN SANDS, MUNDIJONG MINE

1022. Dr EDWARDS to the Minister representing the Minister for Mines:

(1) What advice has the Department of Minerals and Energy 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 BARNETT replied:

(1) Since the company applied in 1985 for Exploration Licence 70/323 over the area, there have been innumerable contacts between staff of the Department of Minerals and Energy and Westralian Sands. Most of these contacts have been in the form of meetings or telephone discussions, which related to legal and procedural aspects of the tenement, rather than mining. Consistently over the past several years departmental officers have verbally advised Westralian Sands to accelerate the preparation of its plan for mining to allow formal consideration of the proposed mining activities, and consideration of the potential effects of these activities. It has been emphasised to the company that the area is earmarked as a future urban centre and, with the projected growth of Perth, there is only a limited opportunity for consideration of mining before the area is subject to irresistible urban pressures.

(2) No.

(3) Formal written advice has not been provided to the company regarding mining.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1130. Mr KOBELKE to the Parliamentary Secretary to the Minister for Tourism:

(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 BRADSHAW replied:

(1) Since 1 July 1997, no contracts, grants or secondments have been let or made to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) Not applicable.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - PROPERTY SALES

1162. Ms MacTIERNAN to the Minister for Housing:

(1) What investigations did the Minister institute when files relating to the sale of land owned by the Industrial and Commercial Housing Authority by Residential Equities Solutions and Investments Western Australia Pty Ltd/Charles Patrick O'Leary disappeared following questions from the Opposition in August 1997?

(2) When did the Minister institute these investigations?

(3) What was the result of the investigations?

(4) When did the files "re-appear"?

(5) Were any charges laid in relation to the missing files?

(6) If not, why not?

Dr HAMES replied:

(1)-(2) The last record of the movement of the missing files was recorded on 17 June 1996 and it was first discovered they were missing in late November/early December 1997. A thorough search of Homeswest and the Industrial and Commercial Employees Housing Authority offices was then undertaken.

(3)-(4) There was no immediate success in locating the files and they were discovered on 28 May 1998.

(5)-(6) The Public Sector Investigations Unit of the Western Australia Police Services was notified of the circumstances of the discovery of the missing files.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - FORMER MANAGER

1164. Ms MacTIERNAN to the Minister for Housing:

(1) When did the former manager of the Industrial and Commercial Housing Authority (ICHA), who is now the subject of 41 individual counts of official corruption pursuant to section 83 of the Criminal Code finish his employment with ICHA?

(2) Did he resign?

(3) If not, was his employment terminated by the Department?

(4) If not, what was the reason for the termination of his employment?

Dr HAMES replied:

(1) 22 December 1995.

(2) Yes.

(3)-(4) Not applicable.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - PROPERTY SALES

1165. Ms MacTIERNAN to the Minister for Housing:

(1) How many Industrial and Commercial 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) Part of the information asked in this question with respect to properties sold in 1995 and 1996 was provided in answers to parliamentary questions 1921 and 2873. It is not practical for the Country Housing Authority to commit the resources required to answer the question in its current form. If the member has specific questions on the sale of the properties I would be prepared to commit the resources to answer these questions.

FORESTRY INDUSTRY, SAFETY OF EMPLOYEES

1174. Dr EDWARDS to the Minister for Labour Relations:

(1) In each of the past three years, in the native forest industry and the plantation industry how many employees have been injured or killed, working as -

(a) bush workers; and
(b) sawmill workers?

(2) How many employers prosecuted for failing to provide a safe system of work or similar offence, have -

(a) been convicted in the Magistrate's Court;
(b) been acquitted in the Magistrate's Court; and
(c) successfully appealed against their convictions?

(3) How many complaints have been made to WorkSafe WA?

Mr KIERATH replied:

			1995/96	1996/97	1997/98
(1)	Bush Workers	Injuries	85	79	Not available
		Fatalities	0	0	1
	Saw Mill Workers	Injuries	138	135	Not available
		Fatalities	0	0	0
(2)	Convicted		1	1	2
	Acquitted		1	1	0
	Successfully Appealed		0	0	1
(3)	Complaints		4	2	6

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1191. Mr BROWN to the Minister for Planning; Employment and Training; Heritage:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr KIERATH replied:

Ministry for Planning:

(1) The following are estimated costs:
(a) $3,550
(b) $20 000
(c) $500
(d) Nil

(2) Completed in-house. No equivalent costs.

(3) No.

(4) (a) Some artwork, desktop publishing and photographic scanning.
(b) $3,550

(5) No.

(6) (a)-(b) Photography - $85
Scanning - $1,170

(7) Not yet printed.

(8) Scott’s Four Colour.

(9) Will be printing 2,000.

(10) 2,000.

WA Planning Commission:

(1) The following are estimated costs:
- (a) $2,350
- (b) $20,000
- (c) $500
- (d) Nil

(2) Completed in-house. No equivalent costs.

(3) No.

(4) (a) Some artwork, desktop publishing and photographic scanning.
(b) $2,350

(5) No.

(6) (a)-(b) Photography - $1,552
Scanning - $680

(7) Not yet printed.

(8) Advanced Printers.

(9) Will be printing 2,000.

(10) 2,000.

East Perth Redevelopment Authority

The 1997/98 annual report is not finalised, the following costs are estimates:

(1)
- (a) $4,060
- (b) $9,630
- (c) $65
- (d) Nil

(2)
- (a) $7,800
- (b) $12,838
- (c) $65
- (d) $2,000

(3) No.

(4) (a)-(b) Artwork, design, negatives, scans and printing (Vernon Jones Design Graphics) - estimate is $13,690.
Editing/proof-reading (Total Communications; Barb Clews) - $507.

(5) No.

(6) (a)-(b) Artwork, design, negatives, printing, proof-reading (Springham Designs) - $20,938.
Writing (Total Communications) - $2,000.

(7) Vernon Jones Design Graphics.

(8) Springham Designs.

(9) 500 copies will be printed.

(10) 1,000.

Subiaco Redevelopment Authority:

(1) As the 1997/98 annual report is not finalised, the following are estimated costs:
- (a) $2,840
- (b) $6,420
- (c) $100
- (d) Nil

(2) $12,190

(3) No.

(4) (a) Artwork and publication supplied by Vernon Jones Design Graphics.
(b) Estimated cost $9,260

(5) No.

(6) (a) Artwork and publication supplied by Springham Design.
(b) $12,190

(7) Vernon Jones Design Graphics.

(8) Springham Design.

(9) 500 copies will be printed.

(10) 500.

Western Australian Department of Training
(1) (a) $2,716
(b) $10,970
(c) Postage costs are unavailable.
(d) $3,980

(2) (a) $13,680
(b) $10,769
(c) $1,167
(d) $845

(3) No.

(4) (a) Artwork, writing, publication.
(b) $17,666

(5) No.

(6) (a) Artwork, writing, publication.
(b) $25,294

(7) Advance Press.

(8) Presspower.

(9)-(10)
1,500 copies.

Colleges established under the *Vocational Education and Training Act 1996* report on a calendar year basis. With the exception of Hedland College and Karratha College which reported under provisions of the now repealed *Colleges Act 1978*, all colleges produced their first annual report - covering 1997 calendar year - this year.

Central Metropolitan College of TAFE
(1) (a)-(b) $12,445
(c) $900
(d) The report was written in-house and no record was kept of the hours involved. It is estimated that the cost of gathering information and writing the report was approximately $15,000.

(2) Not applicable.

(3) No.

(4) (a) Artwork, publication.
(b) $12,445

(5)-(6) Not applicable.

(7) By Friday.

(8) Not applicable.

(9) 1,000 copies.

(10) Not applicable.

West Coast College of TAFE
(1) (a) $1,195
(b) $12,148
(c) $350
(d) $13,969

(2) Not applicable.

(3) No.

(4) (a) Printing.
(b) $11,451

(5)-(6) Not applicable.

(7) P.J. Printers.

(8) Not applicable.

(9) 1,000 copies.

(10) Not applicable.

South East Metropolitan College of TAFE
(1) (a) $3,278
(b) $4,129
(c) $250
(d) Written in-house.

(2) Not applicable.

(3) No.

(4) (a) Artwork and printing.
(b) $7,407

(5)-(6) Not applicable.

(7) Lamb Print.

(8) Not applicable.

(9) 1,000 copies.

(10) Not applicable.

South Metropolitan College of TAFE
(1) (a) $5,280
(b) $4,560
(c) $200
(d) Written in-house.

(2) Not applicable.

(3) No.

(4) (a) Artwork and printing.
(b) $9,840

(5)-(6) Not applicable.

(7) Advance Press.

(8) Not applicable.

(9) 1,000 copies.

(10) Not applicable.

Midland College of TAFE
(1) (a) Nil.
(b) $8,493
(c) $400
(d) $12,500

(2) Not applicable.

(3) No.

(4) (a) Advice on format and content; printing.
(b) $20,993

(5)-(6) Not applicable.

(7) Snap Print.

(8) Not applicable.

(9) 400 copies.

(10) Not applicable.

Central West College of TAFE
(1) (a)-(b) $15,186
(c) $120
(d) Written in-house.

(2) Not applicable.

(3) No.

(4) (a) Artwork and publication.
(b) $15,186

(5)-(6) Not applicable.

(7) Photoplay Australia Pty Ltd.

(8) Not applicable.

(9) 500 copies.

(10) Not applicable.

Great Southern Regional College of TAFE
(1) (a)-(b) $9,758
(c) $850
(d) Written in-house.

(2) Not applicable.

(3) No.

(4) (a) Artwork and publication.
(b) $9,758

(5)-(6) Not applicable.

(7) Frank Daniels Pty Ltd.

(8) Not applicable.

(9) 1,000 copies.

(10) Not applicable.

South West Regional College of TAFE
(1) (a) $420
(b) $5,591
(c) $40
(d) $600

(2) Not applicable.

(3) No.

(4) (a) Artwork and publication.
(b) $6,011

(5)-(6) Not applicable.

(7) Dynamic Print.

(8) Not applicable.

(9) 500 copies.

(10) Not applicable.

Hedland College
(1) (a)-(d) $4,900. Report produced in-house as part of normal publications production.

(2) (a)-(d) $450. Report produced entirely in-house as part of normal publications production.

(3) No.

(4) (a) Printing.
(b) $4,900

(5) Yes, with the exception of the covers which were printed at a local print shop.

(6) (a) Printing of covers.
(b) $450

(7) Professional Printers.

(8) Hedland College Reprographics.

(9) 200 copies.

(10) 500 copies.

Karratha College

(1) (a) $1,899
(b) $1,586
(c) $106
(d) $1,943

(2) (a) $1,340
(b) $2,350
(c) $240
(d) $1,881

(3) No.

(4) (a) Artwork, publication.
(b) $3,485

(5) No.

(6) (a) Artwork, publication.
(b) $3,690

(7) Presspower.

(8) Advance Press.

(9)-(10) 200 copies.

Heritage Council of WA

(1) As the 1997/98 annual report is not finalised, the following are estimated costs:
(a) $4,250
(b) $4,685
(c) $225
(d) Nil

(2) (a) $3,787
(b) $3,619
(c) $200
(d) Nil

(3) No.

(4) (a) Artwork and Publication will be supplied by Design Add.
(b) $8,935

(5) No.

(6) Design and printing services at a total cost of $7,406.

(7) Touchstone.

(8) Latitude 32.

(9) 600 copies will be printed.

(10) 550.

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1193. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Dr HAMES replied:

ABORIGINAL AFFAIRS DEPARTMENT

(1) Approximately $14,000.

(2) $9,862.00.

(3) No.

(4) (a) Editing.
(b) $1,465.00.

(5) Yes.

(6) Not applicable.

(7) Frank Daniels Pty Ltd.

(8) Aboriginal Education Resource Unit (artwork and design) and Baskerville and Pratt (Printer).

(9) 1000.

(10) 800.

GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

(1) $17,460.00.

(2) $15,279.00.

(3) No.

(4) (a) Artwork, layout, photographic and printing services.
(b) $17,460.00.

(5) No.

(6) (a) Artwork, layout, photographic and printing services.
(b) $15,279.00.

(7) Lambprint.

(8) Presspower.

(9)-(10)
1000.

HOMESWEST
(1) $25,484.00.

(2) $26,105.00.

(3) No.

(4) (a) Artwork, publication and writing.
(b) $24,974.00.

(5) No.

(6) (a) Artwork, publication and writing.
(b) $25,595.00.

(7)-(8) Advance Press.

(9)-(10)
750.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY
(1) $679.00.

(2) $398.00.

(3) Yes.

(4) Not applicable.

(5) Yes.

(6) Not applicable.

(7) Snap Printing.

(8) Fineline Print.

(9)-(10)
100.

OFFICE OF WATER REGULATION
(1) $11,699.00.

(2) $16,900.00.

(3) No.

(4) (a) Artwork and publication.
(b) $11,699.00.

(5) No.

(6) (a) Artwork and publication.
(b) $16,900.00.

(7) Groupacumen.

(8) Jung Lautrec and Shaw.

(9)-(10)
600.

RURAL HOUSING AUTHORITY
(1) $1,097.00.

(2) $1,735.00.

(3) Yes.

(4) Not applicable.

(5) Yes.

(6) Not applicable.

(7) Snap Printing.

(8) Sands Print Group.

(9)-(10) 200.

SWAN RIVER TRUST
(1) Cost of producing the 1997/98 Annual Report has not yet been finalised.

(2) $14,798.50.

(3) No.

(4) (a) Editing and artwork.
(b) Not finalised at this time.

(5) No.

(6) (a) Writing, editing, artwork, desktop publishing and printing.
(b) $14,190.50.

(7) Printer not determined at this time.

(8) Corporate Design Centre.

(9) Plan to print 500.

(10) 500.

WATER AND RIVERS COMMISSION
(1) Cost of producing the 1997/98 Annual Report has not yet been finalised at this time. However, the cost of writing the report is $1,072.50.

(2) $13,527.00

(3) No.

(4) (a) Editing and artwork.
(b) Not finalised at this time.

(5) No.

(6) (a) Artwork, desktop publishing and printing.
(b) $12,311.00.

(7) Printer not determined at this time.

(8) Success Print.

(9) Plan to print 1000.

(10) 1000.

WATER CORPORATION
(1) $41,384.00.

(2) $41,093.00.

(3) No.

(4) (a) Research/writing, photography, design and preparation of visuals, negative preparation and printing.
(b) $40,384.00.

(5) No.

(6) (a) Research/writing, photography, design and preparation of visuals, negative preparation and printing.
(b) $40,093.00.

(7)-(8) Frank Daniels Pty Ltd.

(9)-(10)
3000

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1196. Mr BROWN to the Minister representing the Minister for Finance:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department
(1) (a) $1,352
(b) $2,600
(c) $75 (estimated as report not yet available for distribution).
(d) Not available.

(2) (a) $800
(b) $2,500
(c) $55
(d) Not available.

(3) No.

(4) (a) Artwork and publication.
(b) $3,952

(5) No.

(6) (a) Artwork and publication.
(b) $3,275

(7)-(8) Bill Benbow and Associates.

(9) 500

(10) 400

Valuer General's Office
(1) Total cost $13,200 as follows:

(a) $9,000
(b) $4,200

(c) Nil.
(d) Written in-house.

(2) Equivalent Cost $11,410 as follows:

(a) Artwork $6,200
(b) Publication - $5,000
(c) Distribution - $210
(d) Written in-house.

(3) No.

(4) (a) A graphic design firm was engaged to produce artwork, arrange printing and place the 1997/98 annual report on the Office's website.

(b) Total cost $13,200

(5) No.

(6) (a) A graphic design firm was engaged to produce artwork, arrange printing and place the 1996/97 annual report on the Office's website.

(b) Total cost was $11,410.

(7)-8) Arranged by a graphic design firm, Groupacumen, on a sub contractual basis.

(9) 200

(10) 450

Insurance Commission of Western Australia
(1) (a) Figures not available as 1998 Annual Report is not yet complete.
(b) Figures not available as 1998 Annual Report is not yet complete.
(c) 1998 Annual Report has not yet been distributed.
(d) Nil.

(2) (a) $12,037.30
(b) $8,277.00
(c) $965.00
(d) Nil

(3) No.

(4) (a) Graphic design, printing, photography.
(b) Figures not available as 1998 Annual Report is not yet complete.

(5) No.

(6) (a) Graphic design, printing, photography.
(b) $21,714.00

(7) 1998 Annual Report has not yet been printed.

(8) Lamb Print.

(9) 1998 Annual Report has not yet been printed.

(10) 600

Government Employees Superannuation Board
(1) The 1997/98 Annual Report has not yet been produced.

(2) (a) $11,991
(b) $11,795
(c) $303
(d) Nil - done internally.

(3) The Report will not be produced wholly in-house.

(4) (a) Artwork, desktop publishing, typesetting, photography, printing will be, or has been, provided by contractors.
(b) Costs not yet available as work not completed.

(5) No.

(6) (a) Artwork, desktop publishing, typesetting, photography, printing.
(b) $24,089

(7) Not yet printed.

(8) Scott Four Colour Print.

(9) Not yet printed.

(10) 700

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1198. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Lotteries Commission

(1) (a) $10,254 for design.
$10,715 for artwork.
(b) $12,150 for printing.
(c) $200 approximately for mailing.
(d) Written in-house.

(2) (a) $8,000 for design.
$9,690 for artwork.
(b) $11,901 for printing.
(c) $200 approximately for mailing.
(d) Written in-house.

(3) The 1997/98 annual report was produced within the Lotteries Commission apart from the design, artwork and printing.

(4) (a) design, artwork, and printing was provided by contractors.
(b) cost outlined above.

(5) The 1996/97 annual report was produced within the Lotteries Commission apart from the design, artwork, and printing.

(6) (a) design, artwork, and printing was provided by contractors.
(b) cost outlined above.

(7)-(8) Scott Four Colour.

(9) 750

(10) 1,000

Office of Racing, Gaming and Liquor
(1) (a)-(d) Not yet printed.

(2) (a) Nil
(b) $3,410
(c) $220 - estimate
(d) Nil

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing.
(b) See 2(b)

(7) See reply to Part (1).

(8) Kwik Kopy.

(9) See reply to Part (1).

(10) 200

Gaming Commission of W A
(1) (a)-(d) Not yet printed.

(2) (a) Nil.
(b) $990
(c) $80 - estimate.
(d) Nil.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing.
(b) See 2(b).

(7) See reply to Part (1).

(8) Kwik Kopy.

(9) See reply to Part (1).

(10) 100

Betting Control Board
(1) (a)-(d) Not yet printed.

(2) (a) Nil.
(b) $579
(c) $85 - estimate.
(d) Nil.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing.
(b) See 2(b).

(7) See reply to Part (1).

(8) Kwik Kopy.

(9) See reply to Part (1).

(10) 100

Racecourse Development Trust
(1) (a)-(d) Not yet printed.

(2) (a) Nil.
(b) $566
(c) $85 - estimate.
(d) Nil.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing.
(b) See 2(b).

(7) See reply to Part (1).

(8) Kwik Kopy.

(9) See reply to Part (1).

(10) 100

Racing Penalties Appeal Tribunal
(1) (a)-(d) Not yet printed.

(2) (a) Nil.
(b) $342
(c) $40 - estimate.
(d) Nil.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing.
(b) See 2(b).

(7) See reply to Part (1).

(8) Kwik Kopy.

(9) See reply to Part (1).

(10) 50

Western Australian Greyhound Racing Authority
(1) (a)-(d) Not yet printed.

(2) (a) $2,298.62
(b) $4,209.00
(c) $100.00
(d) Not applicable.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing, Design, Preparation & Typesetting.
(b) $6,607.62

(7) See reply to Part (1).

(8) Snap Printing.

(9) See reply to Part (1).

(10) 300

Totalisator Agency Board
(1) (a)-(d) Not yet printed.

(2) (a) $1,800
(b) $4,928
(c) $300
(d) Nil.

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) "303" - photography; "Fairplay" - print and negative preparation.
(b) $1,800; $4,928

(7) See reply to Part (1).

(8) Fairplay.

(9) See reply to Part (1).

(10) 600

Burswood Park Board

(1) (a)-(d) 1997/98 Annual Report has not been produced. The Annual Report will be produced when the Auditor General's opinion is received.

(2) (a) $250
(b) $550
(c) $15
(d) $270

(3)-(4) See reply to Part (1).

(5) No.

(6) (a) Printing, artwork, writing.
(b) $1,170

(7) See reply to Part (1).

(8) Contents - M & M Print; Artwork - Copy Type and Design.

(9) See reply to Part (1).

(10) 50

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1203. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr BRADSHAW replied:

WESTERN AUSTRALIAN TOURISM COMMISSION

(1)	(a)	artwork	$6,528
	(b)	publication	$30,348
	(c)	distribution	(estimate $3000)
	(d)	writing	produced in-house

Please note that approximately 25% increase in cost is due to a 3% increase in price of paper and 28% increase in number of pages in document

(2)	(a)	artwork	$ 4,920
	(b)	publication	$17,121
	(c)	distribution	$3,137
	(d)	writing	produced in-house

(3) No.

(4)	(a)-(b)	artwork and design	$6,528
		negative preparation	$6,780
		printing	$23,568

(5) No.

(6)	(a)-(b)	artwork and design	$4,920
		negative and preparation	$4,451
		printing	$12,670

(7) Sands Print Group.

(8) EM Printers.

(9) 3,150

(10) 2,500

ROTTNEST ISLAND AUTHORITY
Estimates only as currently awaiting Auditor General's opinion for 1997/98 Annual Report

(1)	(a)	$2 411.00 (estimate).
	(b)	$6 577.00 (estimate).
	(c)	Not applicable.
	(d)	Not applicable (in-house costs only).
(2)	(a)-(b)	$15 748.50
	(c)	Not applicable (in-house costs only).
	(d)	$4 340.00

(3) No.

(4)	(a)	Design and Printing.
	(b)	$8 988.00 (estimate).

(5) No.

(6)	(a)	Writing, Design and Printing.
	(b)	$20 088.50

(7) Contract not yet let for 1997/98.

(8) Frank Daniels Pty Ltd.

(9) 300 (estimate).

(10) 500

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1205. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;

(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr MARSHALL replied:

MINISTRY OF SPORT & RECREATION

(1) (a) Not identifiable.
(b) $5 311
(c)-(d) Not identifiable.

(2) $6 490

(3) No.

(4) (a) Printing.
(b) $5 311

(5) No.

(6) (a) Printing.
(b) $6 490

(7) Touchstone Colour.

(8) Quality Press.

(9) 500

(10) 700

RECREATION CAMPS AND RESERVES BOARD

(1) (a) Not identifiable.
(b) $4 200 (estimate).
(c)-(d) Not identifiable.

(2) $1 240

(3) No.

(4) (a) Printing.
(b) $4 200 (estimate).

(5) No.

(6) (a) Printing.
(b) $1 240

(7) To be determined.

(8) On demand.

(9)-(10) 100

WESTERN AUSTRALIAN BOXING COMMISSION

(1) (a)-(d) Not identifiable as report produced wholly within the agency.

(2) Not identifiable as report produced wholly within the agency.

(3) Yes.

(4) (a)-(b) Not applicable.

(5) Yes.

(6) (a)-(b) Not applicable.

(7)-(8) Ministry of Sport and Recreation.

(9)-(10)
50

WESTERN AUSTRALIAN INSTITUTE OF SPORT

(1) (a)-(d) The cost of producing the 1997/98 annual report was $7,950. This included artwork of $1,660 to redesign the report and incorporate WAIS's new logo and corporate slogan.

(2) The equivalent costs for 1996-97 WAIS Annual Report was $5,700.

(3) No.

(4) (a) Artwork and printing.
(b) Artwork - $1,660
Printing - $540
Sub-editing - $500

(5) No.

(6) (a) Printing.
(b) $5,700

(7)-(8) Print Image.

(9) 800

(10) 850

WESTERN AUSTRALIAN SPORTS CENTRE TRUST

(1) (a) $1000
(b) $3051 (films and printing).
(c) Nil.

(2) (a) $855
(b) $2769 (films and printing).
(c)-(d) Not applicable.

(3) No.

(4) (a) Cover design, internal layout and printing.
(b) $3000 (approx).

(5) No.

(6) (a) Cover design and printing.
(b) $3264

(7) EM Printers will print the 1997/98 report.

(8) EM Printers.

(9)-(10)
250

INDUSTRIAL AND COMMERCIAL HOUSING AUTHORITY - KARRATHA

1215. Mr RIEBELING to the Minister for Housing:

In relation to the sale of Industrial and Commercial Housing Authority properties in Karratha 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?

Dr HAMES replied:

Part of the information asked in this question with respect to properties sold in 1995 and 1996 was provided in answers to parliamentary questions 1921 and 2873. It is not practical for the Country Housing Authority to commit the resources required to answer the question in its current form. If the member has specific questions on the sale of properties then I would be prepared to commit the resources to answer these questions.

CCI TRAINING SERVICES PTY LTD - COURSE ACCREDITATION

1294. Mr KOBELKE to the Minister for Employment and Training:

(1) For which courses is CCI Training Services Pty Ltd an accredited training provider?

(2) For each of these courses when did -

(a) CCI Training Services Pty Ltd apply for accreditation;

(b) the Training Accreditation Council determine that accreditation should be granted; and

(c) the recognition period commence for CCI Training Services Pty Ltd as an accredited training provider?

Mr KIERATH replied:

CCI Training Services has subsumed the previous registrations of CCIWA Skill Centre and the Chamber of Commerce and Industry. The Training Accreditation Council received a formal request on the 2 October 1998 to transfer all existing accreditations to CCI Training Services which became effective on 13 October 1998. This request conformed with normal Council procedure.

(1) The CCI Training Services Pty Ltd is a Registered Training Organisation to provide the following courses:

Course in "Need to Know" Induction Training
Course in Enterprise Agreements
Course in Equal Opportunity
Course in Fundamental Training Techniques
Course in Human Relations (Leadership and Teambuilding)
Course in Human Resource Management
Course in Introduction to Occupational Safety and Health
Course in Introduction to Supervision
Course in Job Instruction Techniques
Course in Manual Handling
Course in Award Interpretation
Course in Best Practice in Workers' Compensation
Course in Effective Hazard Management
Course in Effective Occupational Safety and Health
Course in Effective Supervision
Course in Occupational Safety and Health for Managers and Supervisors
Course in Occupational Safety and Health for Safety Representatives
Course in Prevention of Falls
Course in Recording, Investigation and Reporting of Accidents
Course in Rehabilitation: Employment Implications
Course in Role of the Safety Committee
Course in Safe Operation of Forklifts
Course in Supervisors in Occupational Safety and Health
Course in Termination and Reinstatement
Course in Training Techniques for Trainers (Train the Trainer)
Course in Workplace Agreements
Course in Workplace Assessor Training
Certificate II in Retail (Sales and Service) Skills
Certificate III in Retail Operations
Certificate II in Retail Operations
Certificate I in Retail Operations
Certificate III in Engineering
Certificate II in Engineering (Advanced Level 2 Traineeship)
Certificate III in Engineering (Advanced Level 3 Traineeship)
Certificate I in Engineering (Foundation Traineeship)
Certificate IV in Engineering (Instrument/Electrical)
Certificate IV in Engineering (Technical Traineeship)
Engineering Production Certificate (EPC) Training Program
Engineering Traineeship
Electrical Skills Training Program
National Metals and Engineering Curriculum Modules
Advanced Engineering Traineeship

(2) (a)-(b) The existing accreditations for CCIWA Skill Centre and the Chamber of Commerce and Industry effected between September 1994 and October 1998 were transferred to CCI Training Services.

(c) 13 October 1998.

WEST COAST COLLEGE OF TAFE - SAW DOCTORING EQUIPMENT

1302. Mr KOBELKE to the Minister for Employment and Training:

(1) What is the current dollar value of the equipment owned by West Coast College of Technical and Further Education (TAFE) and previously the Balga College which was required and used for its training programmes in Saw Doctoring?

(2) How much of this equipment is still retained by TAFE?

(3) Where is this equipment that TAFE has retained?

(4) What is the value of the equipment which has been leased or loaned to another organisation and is no longer on a TAFE site?

(5) Which company or companies now have control and use of this equipment and what is the value of the equipment they have?

(6) What is the rental costs and arrangements entered into for the lease of this equipment?

(7) Was the leasing of this equipment done by public tender or any other competitive arrangement in order to maximise the return to TAFE?

(8) If not, why not?

Mr KIERATH replied:

(1) The written down value of the equipment is $0. The market value of the equipment established by a Certified Practicing Valuer (Plant and Machinery) in July 1998 was $27,000.

(2) The ownership of all of the equipment remains with TAFE but the equipment is leased to another organisation and is located on their premises.

(3) The equipment that TAFE owns and leases to another organisation is located on the premises of Hughan Saw Service, Unit 2, 14 Hector Street, Osborne Park.

(4) The written down value is $0 and the market value is $27,000.

(5) The equipment is leased by Hughans Saw Service and has a written down value of $0 and a market value of $27,000.

(6) The equipment lease was prepared by the Crown Solicitors Office and is for a period of 3 years with an annual rental of $3,000, which is reviewed each year on the anniversary of the agreement to reflect CPI increases.

(7)-(8) During 1997 saw doctoring companies were approached to see if they could provide qualified staff and or facilities to conduct saw doctor training. Most of the organisations were unable or unwilling to assist, however Hughans were the only company able to appropriately meet the training requirements involved. Following this request for proposals an agreement was reached with Hughans on an appropriate lease which was based on the value of the equipment and the service provided. The value of the lease was well below the requirement for a tender process.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - MARITAL STATUS OF PENSIONERS

1326. Dr CONSTABLE to the Minister representing the Minister for Finance:

Further to your answer to question on notice No 954 of 1998, how can the manager of the Western Australian Government Employees Superannuation Scheme monitor the scheme's liability to the spouses of deceased pensioners without knowing the marital status of pensioners?

Mr COURT replied:

The Minister for Finance has provided the following response:

Estimates of liability are calculated by the Government Employees Superannuation Board’s consultant Actuary based on relevant actuarial assumptions.

QUESTIONS WITHOUT NOTICE

CABINET SUBCOMMITTEE ON LAW AND ORDER

395. Dr GALLOP to the Premier:

(1) How often has the cabinet subcommittee on law and order formally met?

(2) How many of those meetings have been attended by the Premier?

(3) What initiatives have been approved by the committee for implementation by the Government?

Mr COURT replied:

(1)-(3) I cannot provide the precise details at the moment. However, I will this afternoon. We have been meeting approximately once a week. I have attended most of the meetings. The Deputy Premier has been chairing those meetings. If the Leader of the Opposition wants a precise number of meetings -

Dr Gallop: What are the achievements?

Mr COURT: If the Leader of the Opposition wants all the detail of what happens on a meeting-by-meeting basis -

Dr Gallop: No, the achievements that come out afterwards.

Mr COURT: The most important thing we have done initially is to fast-track a number of items of legislation, including sentencing legislation which is now in this Parliament. We have also spent considerable time in working up our Safer WA councils and strategies. However, I will give the Leader of the Opposition -

Dr Gallop: Bureaucratic.

Mr COURT: The Leader of the Opposition can call things like the sentencing legislation bureaucratic. However, I think they are a positive step forward.

CRIME REDUCTION TARGETS

396. Dr GALLOP to the Premier:

As a supplementary question, will the Premier reconsider his refusal to set crime reduction targets so that the Government's performance can be monitored according to set objectives?

Mr COURT replied:

The Government's target is to make Western Australia a safer place in which to live. The constant knocking by members opposite of all initiatives designed to achieve that do not help. However, they certainly will not take our focus off our goal.

HOMESWEST, BUSSELTON

397. Mr MASTERS to the Minister for Housing:

Homeswest is doing an excellent job in Busselton by meeting the reasonable housing needs of lower income people. However, I have recently visited a small number of Homeswest houses that are 20 to 30 years old and starting to show their age in several different and often costly ways. What housing replacement policy exists in Busselton and the general south west region for older Homeswest houses, especially those constructed of fibrocement?

Dr HAMES replied:

I thank the member for some notice of this question. Current Homeswest stocks in Busselton are of a very high quality. We have 150 seniors accommodation units and 297 family accommodation units, giving a total of 447 units. However, a great deal of the Homeswest stock, particularly in the country regions, is becoming old; that is, it is in that 30 to 40-year-plus age bracket. Therefore, we are running two programs. One covers all the smaller country towns, in which we have a 10-year program to replace something in the order of 100 old houses a year. In the first year, that program is extending to places such as Bunbury, Busselton and Albany. In this coming period, we have 45 dwellings in Busselton that are earmarked for replacement under that program.

A lot of is being work being done on those older houses as part of our maintenance program. Some $363 000 is budgeted annually for maintenance in those communities. Home purchase programs are also operated through Keystart, Real Start and the Right to Buy. Those three programs give people the opportunity to buy up and sell some of the older properties, in particular, which are much cheaper. That allows us to upgrade existing housing and produce new stock.

DRAFT PASSIVE SMOKING LEGISLATION

398. Dr GALLOP to the Premier:

(1) Does the Premier stand by his claim in this place on 9 September that "I do not care where it comes from within Government, it is improper for information to be leaked"?

(2) If so, what action has he taken to determine whether the member for Joondalup or any other backbencher leaked the draft passive smoking legislation from the Liberal Party room to the Western Australian Hotels Association?

Mr COURT replied:

The regulations and the legislation must come back to Cabinet. We have been working with a range of industry groups. In that process they have been provided with a lot of information, which is normal. Negotiations will continue in the week ahead. I would have thought that is an appropriate way in which to work up to the final regulations.

PREMIERS CONFERENCE

399. Mr OSBORNE to the Premier:

(1) Is the Premier aware of the comments by the Leader of the Opposition that last Friday's Premiers Conference would see "an all-out brawl" among the States?

(2) Will the Premier inform the House if such in-fighting occurred?

Mr COURT replied:

(1)-(2) The Leader of the Opposition made the comment before the conference that it would be an all-out brawl. I do not want to disappoint him but the exact opposite happened.

Dr Gallop: You will give us the details, will you?

Mr COURT: Yes, I will. On Thursday and Friday there was a great deal of cooperation between all of the Premiers, including three Labor Premiers, and the Chief Ministers.

Mr Kobelke: That is not how the Prime Minister saw it.

Mr COURT: How did the Prime Minister see it?

Mr Kobelke: He went on national television to say he was quite happy to have the fight between the States and not between the States and the Commonwealth. It was broadcast all over Australia.

Mr COURT: If the member will let me finish my comments, there was a fight between New South Wales and Queensland - two Labor States. It was interesting that the Labor Premiers accepted that this nation has decided that it wants taxation reform. I assure the Leader of the Opposition that the three Labor Premiers cooperated the whole way through the two days of the meetings. The Queensland Premier would not accept one issue, which was the transitional arrangements for the first three years of the implementation of the package. If the Leader of the Opposition supports the Queensland Premier in his approach - the New South Wales Premier certainly does not - he will be working against the interests of Western Australia.

Dr Gallop: When will you tell us about the extra money that the Commonwealth put in? You said the money was in there a month ago.

Mr COURT: I will get to that in a minute. The Leader of the Opposition has positioned himself right outside the taxation reform debate.

Dr Gallop: I am right in the middle; you are outside.

Mr COURT: He has made the decision that he will knock at every step. Even the three Labor Premiers are parties to the negotiations to progress the implementation of taxation reform in this country. There was no all-out brawl but full cooperation on how this matter should be handled. As to the estimates that were made of the loss of gambling revenues to the States, concern has been expressed that the estimates in the figures that originally came out were not adequate to cater for the States' losses of gambling revenues. There is no agreement between the States, the Territories and the Federal Government about the amount of gambling money. The Federal Government has agreed that when the implementation occurs, whatever the losses, the Federal Government will make up that amount. It has been a long time since the Federal Government has been prepared to provide those extra moneys. The Federal Government has given us the extra money. What are members of the Opposition worried about?

Dr Gallop: I am worried about the little fibs the Premier told during the election campaign.

Mr COURT: Such as?

Dr Gallop: The Premier said that he had a fully endorsed guarantee from the Prime Minister and all the money to deal with the transitional problems, which clearly he did not have because he had to get it on Friday.

Mr COURT: We have had it and we have it again. In addition, we have been given an assurance of a floor in relation to the specific purpose payments. The Leader of the Opposition said that there would be an all-out brawl. It was the exact opposite: Total cooperation. The implementation of taxation reform in this nation will be difficult. It certainly will not be a precise science. However, the State's position will be best protected if we work in a cooperative way and negotiate our way through the difficult issues that will arise. If the Leader of the Opposition wants to stay on the sidelines and carp all the time, the Labor Party -

Dr Gallop: We are doing what we said we would do in the election campaign: Vote no. It is called accountability.

Mr COURT: The Labor Party is now split on this issue. The Labor Premiers took the view that the people of Australia made the decision to progress taxation reform. They have made a decision to work with the Federal Government. The Opposition will be left out on a limb unless members want to start playing a constructive role.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION, REQUEST TO TRAVEL

400. Dr GALLOP to the member for Wagin and Chairman of the Joint Standing Committee on Delegated Legislation:

How does the chairman justify his request for $120 000 so that the committee can travel to England and France for 16 days in February to study the implementation of regulations? Would it not be possible to produce a report for this Parliament on that very subject by utilising technology such as teleconferencing and the Internet?

Mr WIESE replied:

I do not intend to justify the committee's submission. The submission was put to the Legislative Council as a written proposal. It will be considered by the members of the Legislative Council, who will make the appropriate decision based on all the material in the submission. I am sure that the Leader of the Opposition has read that. Although it has been said that the Internet, videoconferencing and other available technology can be used to gather information, I believe - and other members of the committee share that belief - that it is not possible to receive that type of interface and information by going onto the Internet or by videoconferencing. The only way that the Joint Standing Committee on Delegated Legislation will be able to gather that information is by travelling to these countries to talk to the people who are involved. The committee is one of the hardest-working committees in this Parliament. It deals continually with the regulations and the local government laws that are being created. That job is never completed. All the subordinate legislation and the local government laws intimately affect every person in Western Australia. They have a very substantial effect on people both in how they work in their communities and on the level of fees and charges they have to meet. All those regulations are set by delegated or subordinate legislation. Some of the most important work done in Parliament is done by the Joint Standing Committee on Delegated Legislation on behalf of both the Parliament and the people of Western Australia.

Proposals have been put forward by the Joint Standing Committee on Delegated Legislation in the past and I hope that further submissions and proposals with the potential to save the people of Western Australia - the employers, the people who run businesses and all of the people affected by subordinate legislation - quite significant amounts of money will be put forward by future delegated legislation committees.

Dr Gallop: It had better be more than $120 000!

Mr WIESE: The Leader of the Opposition has been talking about something he knows nothing about for 24 hours.

Dr Gallop: I know this trip is not justified.

Several members interjected.

Mr WIESE: It is about time the Leader of the Opposition started to listen. These matters and the nitty-gritty of their effects on business are laid out and detailed in subordinate legislation. The proposal put forward by the delegated legislation committee in the past had the potential to relieve business of much of the impact of delegated or subordinate legislation. For example, the equivalent committee in Victoria went through all the Victorian delegated legislation and 800 to 1 000 pages of legislation have been completely deleted from the Victorian system. It also requires that an impact statement to assess the effort and the cost on business and government of implementing legislation be done before any delegated legislation is promulgated. We do not do that in Western Australia. It has an enormous ability to save the people of Western Australia from much expense and unnecessary legislation.

Several members interjected.

The SPEAKER: Order! I can call question time off right now.

TOURIST SEAPLANE VENTURES - APPLICATIONS

401. Mr PENDAL to the Minister for Water Resources:

I refer to the reported applications for two tourist seaplane ventures to land and take off on the Swan River in and around South Perth.

(1) Does the Swan River Trust have a view on these applications?

(2) Will the minister make strenuous representations to his colleague, the Minister for Transport, to ensure that such an appalling and inappropriate use of the river is not sanctioned by the State Government?

Dr HAMES replied:

(1)-(2) A previous application was submitted to the Swan River Trust and the Water and Rivers Commission to use a seaplane on the river. In that case, we found it was difficult for government bodies such as the Department of Transport and the Swan River Trust to reject the application because the use of a seaplane on the Swan River falls between the cracks of existing legislation. I am pleased to say that we were able to stop that operator from using the Swan River, mostly through the Swan River Trust. I understand that a further application for use of the Swan River and other waterways within Western Australia has been made, with another to follow. I am opposed to that and I support the view of the Swan River Trust and the Water and Rivers Commission. I intend to look at the existing Acts, the Swan River Act and the Waterways Conservation Act, to see whether it is possible to amend them to give us much more control over the use of our waterways by seaplanes.

BUNBURY REGIONAL HOSPITAL - BUDGET BLOW-OUT

402. Mr McGINTY to the Minister for Health:

(1) Will the minister confirm that the Bunbury Regional Hospital has again blown out its budget?

(2) What is the extent of the blow-out?

(3) What other country hospitals have exceeded their budgets and by how much?

Mr DAY replied:

I thank the member for some notice of this question.

(1)-(3) The Bunbury health service is in a very healthy position. I make that comment based on my visit there last Friday. We are into only the first quarter of the financial year. It would be premature to speculate on the outcome for any health service at the end of a financial year, given that about three-quarters of it is yet to pass. I understand that one forecast has been prepared; that is, the current rate of expenditure indicates that the Bunbury health service could exceed its budget at the end of the financial year. As I said, it is impossible to confirm that because it is very early into the financial year and more work is being done to assess the situation, and to determine whether any modifications to the Bunbury health service budget are needed. No Government has provided more funding in either actual or real terms for health services than the current Government. The amount of funding made available to our health system is increasing substantially all the time. The Bunbury health service is getting a magnificent new hospital. Last Friday, the members for Bunbury and Mitchell and I had the pleasure of visiting it. Before I visited the new campus, which is close to completion, I visited the existing Bunbury hospital, a building that was constructed in the mid-1960s. I understand that its design was out-of-date even in those days, and it is very much out-of-date for current needs. It is overcrowded and is very much in need of replacement.

Mr Court: Does it still have the Labor sign at the front stating "Proposed New Hospital"?

Mr DAY: I was just about to come to that. As I was looking over the existing Bunbury hospital, I went down the stairwell and just happened to look out the window, and I saw a sandy area covered in weeds. It is a large block of land and I asked what it was for. I was informed that it is known as "Carmen's folly". The previous Government made a decision to build a new hospital in Bunbury and that block of land was as far as it got. An amount of $1m or $2m was spent on constructing the foundations. It is now covered with sand. That is an indication of the complete incompetence and financial irresponsibility of the previous Government, and shows that it did not fulfil its commitment to the people of the Bunbury region in any way.

Several members interjected.

The SPEAKER: Order, members!

Mr DAY: I will come to that in a moment. The new hospital is currently under construction. It is a magnificent new facility situated on a large area of land that is collocated with the St John of God Hospital new facility. It has six magnificent new

shared operating theatres, a substantial new mental health section, and magnificent artwork throughout the building, particularly in the children's ward area. It is hoped that the transfer of patients will be able to occur on 1 March 1999, many years after it was first promised in Bunbury. This Government is getting on and doing the job. The people of Bunbury and the south west region will have a magnificent new facility which was only talked about by the previous Government. I am advised that no country health services have exceeded their budget allocation.

BUNBURY REGIONAL HOSPITAL - OVERSPENDING

403. Mr McGINTY to the Minister for Health:

What is the amount of overspending on the Bunbury Regional Hospital of which the minister has been advised?

Mr DAY replied:

To the best of my knowledge, I have not been advised of any specific figure.

Mrs Roberts interjected.

The SPEAKER: I formally call the member for Midland to order for the first time!

MARMION AVENUE, DUAL CARRIAGEWAY

404. Mr MacLEAN to the minister representing the Minister for Transport:

(1) Can the minister advise the amount of the State Government's contributions towards the roadworks being undertaken jointly with the Shire of Wanneroo to construct a dual carriageway on Marmion Avenue between Anchorage Drive and Hester Avenue?

(2) Can the minister also advise the timetable for the future installation of traffic control lights at the Anchorage Drive and Marmion Avenue intersection in Mindarie?

Mr OMODEI replied:

I thank the member for some notice of this question and for his interest in this matter. The Minister for Transport has provided the following response -

(1) The construction of a second carriageway on Marmion Avenue between Anchorage Drive South and Hester Avenue is being undertaken by the Shire of Wanneroo over 1998-99 and 1999-2000. The state funding contribution towards the project will be $1m.

(2) At this time there are no plans to install traffic signals at the intersection of Anchorage Drive South and Marmion Avenue as the construction of a second carriageway on that section of Marmion Avenue will result in significant improvements for all road users.

GRIFFIN COAL MINING CO PTY LTD, APPRENTICES

405. Mr KOBELKE to the Minister for Energy:

Last night in Collie a meeting of approximately 400 people expressed concern at Griffin Coal Mining Co Pty Ltd which has major contracts with Western Power and which, for the second year in a row, will not be taking on new apprentices. Will the minister use his good offices to ensure that Griffin Coal Mining, as a major contractor to government, takes on new apprentices in 1999?

Mr BARNETT replied:

I always encourage major businesses in this State to take on apprentices, although there have been changes in the nature of trade training and in the composition of training in this State, which the member for Nollamara will appreciate. The traditional apprenticeship route is not as prevalent as it was. I encourage all resources-related companies to take on apprentices and I will continue to do so. However, I will not make it a condition to be adhered to by a commercial coal supplier.

NAVAL CADET GROUP, FUNDING

406. Mr JOHNSON to the Minister for Youth:

I have in my electorate a federal naval cadet group called TS *Marmion* which in the past has received its funding by the Federal Government via the Royal Australian Navy. How will it receive its funding in the future?

Mr BOARD replied:

I thank the member for some notice of this question.

When the Government introduced the youth training programs into Western Australia it was mindful of the fact that 43 successful federal cadet programs had been here for some time and were achieving strong youth training in the Navy, Army and Air Force. I am proud to say that in the next month we will be announcing our seventy-fifth new cadet program in Western Australia. I recently announced the formation of the Bushrangers, which I believe 12 schools have now joined. Shortly I will be announcing a new stream of cadets into Western Australia.

The Commonwealth and the Western Australian State Government are trialling a joint fund of $600 000 to assist the federal cadet program, 23 of which have now signed over to the Western Australian youth training scheme. I will be shortly publicly acknowledging the establishment of more than 100 cadet programs in Western Australia in the past two years. That is a significant effort. We want to provide a program that produces equity for both the federal and the state programs. The Commonwealth Government is keen to see military cadets in addition to non-military cadets operate in schools. With the new commonwealth-state funding arrangements being trialled here under the federal cadet program, additional programs will be established in schools and will be funded equally.

DISABILITY SERVICES COMMISSION, INDUSTRIAL ACTION

407. Mr CARPENTER to the Minister for Disability Services:

(1) What is the Minister doing about the hundreds of disability staff now engaged in a program of industrial action as part of a pay claim?

(2) What services are being affected as a result of that action?

(3) Can the minister confirm, and explain why, thousands of hours of work by DSC staff remain unpaid?

Mr OMODEI replied:

(1)-(3) I presume that the member is talking about the Community and Public Sector Union/Civil Service Association issue concerning accrued days off. I am advised by the Disability Services Commission that it wrote to the Community and Public Sector Union/Civil Service Association of Western Australia on 21 October 1998 seeking deferment of the paying of accrued days off until early 1999. The 1996 enterprise bargaining agreement provides for accumulated days off to be taken as a single day by application, taken in conjunction with annual leave or long service leave, taken as a rostered day off and/or paid out once per year in the first pay of November, by agreement. Seeking to defer payment is in accord with the agreement and it allows the DSC responsibly to manage payment in the context of its whole financial situation.

There are 856 employees with 12 398 days accrued. That represents a liability of $1.5m. Based on last year, 75 per cent will be cleared as leave and the balance paid out. Notwithstanding the approach to the CPSU/CSA, the DSC has been giving favourable consideration to the immediate payment of RDOs where hardship can be demonstrated. The union has now sought a hearing in the Industrial Relations Commission to resolve the matter. As for the delivery of services, I understand from the Disability Services Commission that services to people with disabilities are not being affected.

PLANNING PROBLEMS - GERALDTON

408. Mr BLOFFWITCH to the Minister for Planning:

Is the minister aware of concerns being expressed about planning problems in Geraldton? Have there been similar concerns elsewhere, and if so what was their main cause?

Mr KIERATH replied:

In recent months the member for Pilbara has drawn a parallel between the problems in Port Hedland and Geraldton. I agree that there are some serious planning problems. The single contributing factor, as we all know, is native title. On 18 November last year, in a brief ministerial statement, I explained the land problems in Port Hedland. On 25 June 1996, in answer to a question from the member for Pilbara, I reiterated the negative impact that native title has had on available land in the Pilbara region. In June 1996 the member for Eyre asked about residential land in the goldfields. In fact, the member referred to native title claims and said that leasehold land was in a "legal twilight zone". The member for Pilbara went on to ask about Turner River land and I told him that those sites -

> could not proceed until the future act requirements of the Native Title Act have been complied with.

The common thread of problems between planning and land development in rural Western Australia is linked to the utter shambles of the Federal Labor Government's Native Title Act. It has not benefited Aborigines and it has damaged many other activities throughout the State which could have benefited not only Aborigines but also non-Aborigines.

FESTIVAL OF PERTH - STATEMENT BY MINISTER FOR THE ARTS

409. Ms McHALE to the Premier:

Does the Premier agree with the Minister for the Arts that the Festival of Perth was "a tin pot little festival until we gave him a million bucks"?

Mr COURT replied:

I am not aware of those comments, but if they are correct a little political licence will have been taken. The Government has been a strong supporter of the arts. For many years the Festival of Perth has been outstanding. Much of the credit for that must go to the work of David Blenkinsop and his team. It is one of those little gems that we have in this State and I hope that its success continues well into the future. In the past couple of years, David Blenkinsop has commented on adequate facilities being available, and particularly the need for what he calls a flexible space for many of the acts that are brought to the State. I hope that in the near future we will be able to address the provision of those facilities.

ARENA JOONDALUP - FINANCIAL ASSISTANCE FOR LIGHTING

410. Mr BAKER to the Parliamentary Secretary to the Minister for Sport and Recreation:

I refer to the recent request from the West Perth Football Club - the Falcons - seeking financial assistance to upgrade the lights at Arena Joondalup not only to facilitate televised night games for that club but also to help other groups conducting events at night at that facility. Can the parliamentary secretary advise whether the Western Australian Government can be of any assistance in this regard?

Mr MARSHALL replied:

I thank the hardworking member for Joondalup for his question, to which the minister has supplied the following response: The total cost of the upgrade of the lights and the main playing arena at Joondalup is $180 000, of which West Perth is contributing $50 000 and the Western Australian Football Commission $100 000. West Perth Football Club, with assistance from the management of Arena Joondalup, has applied for community sporting and recreation facilities funding to the value of $30 000. All funding applications will be reviewed by the ministry with recommendations being sent through to the minister in February 1999 for final endorsement.

ABORIGINAL MATERNAL AND CHILD HEALTH PROGRAMS

411. Ms WARNOCK to the Minister for Aboriginal Affairs:

Why has question on notice 116 not been answered since 12 August?

Mr BARNETT replied:

I will convey that message to the Minister for Aboriginal Affairs and ensure that the question is answered.

NATIONAL COMPETITION POLICY - REVIEWS OF LEGISLATION

412. Dr GALLOP to the Premier:

I ask the Premier to look into questions on notice 343 and 344, which have yet to be answered.

The SPEAKER: I am advised that they may not be listed on the Notice Paper. They may have been sent to the Leader of the Opposition.

Mr COURT replied:

I cannot see them listed. Two questions are unanswered, one in relation to advertising costs, on which the Government is putting together detailed information. However, I cannot see those numbers on the Notice Paper.

Dr Gallop: They might be on the way. I will check that.

TOURISM, ORGANISATIONS FUNDED AND ADVERTISING EXPENDITURE

413. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

When can I expect an answer to questions on notice 505 and 538, which have not been answered despite having been on the Notice Paper since 12 August?

Mr BRADSHAW replied:

I shall find out why they have not been answered and have them answered as soon as I can.

STATE FINANCE, TAXES AND CHARGES

414. Dr GALLOP to the Minister for Housing; Aboriginal Affairs; Water Resources:

As the minister can see on the Notice Paper, question on notice 52 has been awaiting an answer since 12 August. Pursuant to Standing Order No 110, I request the minister to look into that matter for me.

Dr HAMES replied:

There may be other questions unanswered because I am represented a few times on that page of the Notice Paper. To my understanding, those questions have been answered in the last few days. However, because they were still on the Notice Paper, a copy of the answer was faxed to all of the Opposition's offices either today or yesterday to ensure that it received the answer prior to today.

VICTORIA QUAY REDEVELOPMENT

415. Ms MacTIERNAN to the Premier:

Can the Premier explain why question on notice 8 has not been answered since 12 August?

Mr COURT replied:

That is one of the questions I just referred to. I will ensure the member has that answer either today or tomorrow.

GOVERNMENT DEPARTMENTS AND AGENCIES - ADVERTISING EXPENDITURE

416. Mr BROWN to the Minister for Primary Industry; Fisheries:

Can the minister answer question on notice 535, which has been on the Notice Paper since 12 August?

Mr HOUSE replied:

I will ensure that the member gets an answer by this time tomorrow.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

417. Mr BROWN to the minister representing the Minister for Mines:

When might I expect an answer to question on notice 536, which has been on the Notice Paper since 12 August?

Mr BARNETT replied:

I will contact the Minister for Mines' office and request that the answer be provided.

GOVERNMENT DEPARTMENTS AND AGENCIES

Advertising Expenditure

418. Mr BROWN to the Parliamentary Secretary representing the Minister for Sport and Recreation:

When might I expect an answer to question on notice 537, which has been on the Notice Paper since 12 August?

Mr MARSHALL replied:

I will ensure that the question is answered within the week.
